SUPPLEMENT

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OFFICIAL DOCUMENTS

CONTENTS OF VOLUME SEVENTEEN

NUMBER 1, JANUARY, 1923

NUMBER 4, OCTOBER, 1923

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The AMERICAN JOURNAL OF INTERNATIONAL LAW is supplied to all members of the American Society of International Law without extra charge, as the membership fee of five dollars per annum includes the right to all issues of the JOURNAL published during the year for which the dues are paid. (Members residing in foreign countries pay one dollar extra per annum for foreign postage.)

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Single copies of the JOURNAL will be supplied by the Society at $1.25 per copy.

Applications for membership in the Society, correspondence with reference to the JOURNAL, and books for review should be sent to James Brown Scott, Editor-in-Chief, 2 Jackson Place, Washington, D. C.

SEVENTEENTH ANNUAL MEETING, AMERICAN SOCIETY OF INTERNATIONAL LAW

NEW WILLARD HOTEL, WASHINGTON, D. C., APRIL 26–28, 1923

PROGRAM

Thursday, April 26, 1923, at 8 o'clock p.m.

Opening address. HONORABLE ELIHU ROOT, President of the Society.

Is the jurisdiction of the United States exclusive within the three-mile limit? Does it extend beyond this limit for any purpose?

PROFESSOR PHILIP MARSHALL BROWN, Princeton University.

HONORABLE FRED K. NIELSEN, formerly Solicitor for the Department of State.

Friday, April 27, 1923, at 9.30 o'clock a.m.

Discussion of the three-mile limit papers.

The existing state of International Law, its bases, its scope, and its practical effectiveness, together with constructive suggestions for its extension into new fields.

PROFESSOR CHARLES G. FENWICK, Bryn Mawr College.

PROFESSOR MANLEY O. HUDSON, Harvard University.

PROFESSOR PITMAN B. POTTER, University of Wisconsin.

PROFESSOR EDWIN M. BORCHARD, Yale University.

Discussion by the Society.

Friday, April 27, 1923, at 2.30 o'clock p.m.

Pilgrimage by boat to Mt. Vernon, the home of George Washington. Tickets, $1.00.

Friday, April 27, 1923, at 8 o'clock p.m.

The Permanent Court of International Justice. HONORABLE CHARLES EVANS HUGHES, Secretary of State of the United States.

The relation of the Armistice and the Treaty of Versailles. PROFESSOR LINDSAY ROGERS, Columbia University.

The relation of the Treaty of Peace between the United States and Germany to the Treaty of Versailles. COLONEL JENNINGS C. WISE, of the District of Columbia Bar.

Saturday, April 28, 1923, at 9.30 o'clock a.m.

Discussion of the preceding papers.

Business meeting of the Society.

Adjournment of the Society.

Meeting of the Executive Council.

Saturday, April 28, 1923, at 7.30 o'clock p.m.

Dinner at The New Willard Hotel. Tickets, $5.00.

Printed proceedings of the annual meeting will be ready July 1. Price, cloth and boards, **$1.50.**

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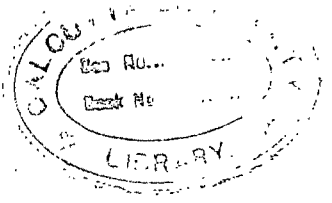

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IMPORTANT NOTICE

The present number completes Volume 17 of the JOURNAL and SUPPLEMENT. Separate title pages, tables of contents, and indexes will be found in the back of each, as the two volumes are separately paged for separate binding.

The Society will bind your copies in full library buckram, hand-sewed, gold lettering on the back, for $1.50 per volume (the SUPPLEMENT is charged for as a separate volume). Any standard color of binding can be furnished, and the color should be indicated in the order.

JOURNALS should be securely wrapped and mailed prepaid to the AMERICAN JOURNAL OF INTERNATIONAL LAW, No. 2 Jackson Place, Washington, D. C. Each package should contain the name and address of the sender, and a check in payment of binding at the above rate should accompany the order. The Society will pay the return postage.

OFFICIAL DOCUMENTS

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CONVENTION RESPECTING THE NON-FORTIFICATION AND NEUTRALIZATION OF THE AALAND ISLANDS.[1]

Signed at Geneva, October 20, 1921; ratifications exchanged at Geneva, April 6, 1922.

The President of Germany, His Majesty the King of Denmark and of Iceland, the Head of State of the Republic of Esthonia, the President of the Republic of Finland, the President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, the Head of State of the Republic of Latvia, the Head of the Polish State, and His Majesty the King of Sweden, having agreed to carry out the recommendation made by the Council of the League of Nations in its resolution of the 24th June, 1921, with a view to the conclusion of a Convention between the Powers interested for the non-fortification and neutralization of the Aaland Islands, in order to guarantee that these islands shall never become a source of danger from the military point of view,

Have resolved for this purpose to carry out, without any restriction, the intention of the engagement undertaken by Russia in the Convention of the 30th March, 1856, relative to the Aaland Islands, annexed to the Treaty of Paris of the same date;

And have appointed the following as their Plenipotentiaries:

For Germany:

M. Oskar Trautmann, Counsellor of Legation;

For Denmark:

M. Herman Anker Bernhoft, Envoy Extraordinary and Minister Plenipotentiary at Paris; and

Captain Henri Lucien Erik Wenck, Chief of the Staff of the Danish Navy;

For Esthonia:

M. Antoine Piip, Minister for Foreign Affairs;

For Finland:

General Oscar Paul Enckell, Chief of the General Staff of the Finnish Army;

M. Rafael Waldemar Erich, formerly President of the Council of Ministers, Professor in the Faculty of Law at the University of Helsingfors;

[1] British Treaty Series, 1922, No. 6.

M. Carl Enckell, Envoy Extraordinary and Minister Plenipotentiary at Paris;

For France:

M. Jean Gout, Minister Plenipotentiary of the first class;

For the British Empire:

Mr. John Duncan Gregory, C.M.G., Counsellor of Embassy, Head of Department at the Foreign Office;

For Italy:

M. Arturo Ricci Busatti, Minister Plenipotentiary of the first class;

For Latvia:

M. Michael Walters, Envoy Extraordinary and Minister Plenipotentiary at Rome;

For Poland:

M. Szymon Askenazy, Envoy Extraordinary and Minister Plenipotentiary, Delegate to the League of Nations;

For Sweden:

M. Eric Birger de Trolle, Provincial Governor, formerly Minister for Foreign Affairs;

Baron Erik Teodor Marks von Würtemberg, President of the Court of Appeal of Svea, a former Minister;

Who, having deposited their full powers, found in good and due form, have agreed upon the following stipulations:—

ARTICLE 1.

Finland, confirming, to the extent requisite, in so far as she is concerned, the declaration made by Russia in the Convention of the 30th March, 1856, regarding the Aaland Islands, annexed to the Treaty of Paris of the same date, undertakes not to fortify the part of the Finnish archipelago called "the Aaland Islands."

ARTICLE 2.

I. The term "Aaland Islands" in the present Convention means all the islands, islets and reefs situated in the stretch of sea bounded by the following lines:—

(*a.*) On the north by the parallel of latitude 60° 41′ N.

(*b.*) On the east by straight lines joining successively the following geographical points:—

(1.)	Lat.	60° 41′.0 N.	and	long.	21° 00′.0 E.	of	Greenwich.
(2.)	"	60° 35′.9 N.	"	"	21° 06′.9 E.	"	"
(3.)	"	60° 33′.3 N.	"	"	21° 08′.6 E.	"	"
(4.)	"	60° 15′.8 N.	"	"	21° 05′.5 E.	"	"
(5.)	"	60° 11′.4 N.	"	"	21° 00′.4 E.	"	"
(6.)	"	60° 09′.4 N.	"	"	21° 01′.2 E.	"	"
(7.)	"	60° 05′.5 N.	"	"	21° 04′.3 E.	"	"

(8.) Lat. 60° 01′.1 N. and long. 21° 11′.3 E. of Greenwich.
(9.) " 59° 59′.0 N. " " 21° 08′.3 E. " "
(10.) " 59° 53′.0 N. " " 21° 20′.0 E. " "
(11.) " 59° 48′.5 N. " " 21° 20′.0 E. " "
(12.) " 59° 27′.0 N. " " 20° 46′.3 E. " "

(*c.*) On the south by the parallel of latitude 59° 27′ N.

(*d.*) On the west by straight lines joining successively the following geographical points:—

(13.) Lat. 59° 27′.0 N. and long. 20° 09′.7 E. of Greenwich
(14.) " 59° 47′.8 N. " " 19° 40′.0 E. " "
(15.) " 60° 11′.8 N. " " 19° 05′.5 E. " "
(16.) Middle of Market rock
" 60° 18′.4 N. and long. 19° 08′.5 E. " "
(17.) " 60° 41′.0 N. " " 19° 14′.4 E. " "

The lines joining points 14, 15 and 16 are those fixed by the "Description topographique de la frontière entre le Royaume de Suède et l'Empire de Russie d'après la démarcation de l'année 1810, corrigée d'après la revision de 1888."

The position of all the points mentioned in this Article is that shown generally in the British Admiralty chart No. 2297, dated 1872 (corrected up to August 1921); however, for greater precision the position of points 1 to 11 is that shown in the following charts: Finnish charts No. 32, 1921, No. 29, 1920, and Russian chart No. 742, 1916 (corrected in March 1916).

A copy of each of these different charts is deposited in the archives of the permanent Secretariat of the League of Nations.

II. The territorial waters of the Aaland Islands are considered to extend to a distance of three nautical miles from the low-water mark of the islands, islets and reefs not permanently submerged, delimited above; nevertheless, these waters shall at no point extend beyond the lines fixed in paragraph I of the present Article.

III. The whole of the islands, islets and reefs delimited in paragraph I and the territorial waters defined in paragraph II constitute the "zone" to which the following Articles apply.

Article 3.

No military or naval establishment or base of operations, no military aeronautical establishment or base of operations, and no other installation utilized for war purposes shall be maintained or created in the zone described in Article 2.

Article 4.

Subject to the provisions of Article 7, no military, naval or air force of any Power shall enter or remain in the zone described in Article 2; the manu-

facture, import, transport and re-export of arms and war material therein are strictly prohibited.

The following provisions shall, however, be applied in time of peace:—

(*a.*) In addition to the regular police force necessary for the maintenance of order and public security in the zone, in conformity with the general provisions in force in the Finnish Republic, Finland may, if exceptional circumstances require, send into the zone and keep there temporarily such other armed forces as shall be strictly necessary for the maintenance of order.

(*b.*) Finland also reserves the right for one or two of her light surface warships to visit the islands from time to time, which can, in this case, anchor temporarily in these waters. In addition to these ships, Finland may, if specially important circumstances require, send into the waters of the zone and keep there temporarily other surface vessels, which must in no case exceed a total displacement of 6,000 tons.

The right to enter the archipelago and to anchor there temporarily can be granted by the Finnish Government to only one warship of any other Power.

(*c.*) Finland may fly her military or naval aircraft over the zone, but, except in cases of *force majeure*, landing there is prohibited.

ARTICLE 5.

The prohibition to warships of entering and remaining in the zone described in Article 2 does not restrict the freedom of innocent passage through the territorial waters. Such passage shall remain subject to existing international rules and usages.

ARTICLE 6.

In time of war, the zone described in Article 2 shall be considered as a neutral zone and shall not, directly or indirectly, be used for any purpose connected with military operations.

Nevertheless, in the event of a war effecting the Baltic Sea, it will be permissible for Finland, in order to assure respect for the neutrality of the zone, temporarily to lay mines in its territorial waters, and for this purpose to take such measures of a maritime nature as are strictly necessary.

Finland shall at once notify such action to the Council of the League of Nations.

ARTICLE 7.

I. In order to render effective the guarantee provided in the preamble of the present Convention, the High Contracting Parties shall communicate, either individually or jointly, with the Council of the League of Nations, so that it may decide upon the measures to be taken either to assure the maintenance of the provisions of this Convention or to repress any violation thereof.

The High Contracting Parties undertake to assist in the measures which the Council of the League of Nations may decide upon for this purpose.

When, in fulfilment of this undertaking, the Council shall have to make a decision under the above conditions, it will summon the Powers which are parties to the present Convention, whether Members of the League or not, to attend. The vote of the representative of the Power accused of having violated the provisions of this Convention shall not be necessary to constitute the unanimity required for the Council's decision.

If unanimity cannot be obtained, each of the High Contracting Parties shall be authorized to take any measures which the Council by a two-thirds majority recommends, the vote of the representative of the Power accused of having violated the provisions of this Convention not being counted.

II. In the event of the neutrality of the zone being imperilled by a sudden attack either against the Aaland Islands or across them against the Finnish mainland, Finland shall take the necessary measures in the zone to check and repulse the aggressor until such time as the High Contracting Parties shall, in conformity with the provisions of the present Convention, be in a position to intervene to enforce respect for the neutrality of the islands.

Finland shall report the matter immediately to the Council.

ARTICLE 8.

The provisions of the present Convention shall remain in force in spite of any changes that may take place in the present *status quo* in the Baltic Sea.

ARTICLE 9.

The Council of the League of Nations is requested to bring the present Convention to the notice of the Members of the League, in order that the legal status of the Aaland Islands, an integral part of the Republic of Finland, as defined by the provisions of this Convention, may, in the interests of general peace, be respected by all as part of the actual rules of conduct among Governments.

With the unanimous consent of the High Contracting Parties, the present Convention may be submitted to any non-signatory Power whose accession may in future appear desirable, with a view to the formal adherence of such Power.

ARTICLE 10.

The present Convention shall be ratified. The protocol of the first deposit of ratification shall be drawn up as soon as the majority of the signatory Powers, including Finland and Sweden, are in a position to take this step.

The Convention shall come into force for each signatory or adhering Power at the date of the deposit of its ratification or instrument of adhesion.

The deposit of ratifications shall take place at Geneva at the permanent

Secretariat of the League of Nations, and any future instruments of adhesion shall also be deposited there.

In faith whereof the plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done at Geneva, the twentieth day of October, one thousand nine hundred and twenty-one, in a single copy which shall remain deposited in the archives of the Secretariat of the League of Nations, and of which a certified copy shall be sent by the Secretariat to each of the signatory Powers.

(L.S.)	TRAUTMANN.	(L.S.)	JEAN GOUT.
(L.S.)	H. A. BERNHOFT.	(L.S.)	J. D. GREGORY.
(L.S.)	WENCK.	(L.S.)	A. RICCI-BUSATTI.
(L.S.)	ANT. PIIP.	(L.S.)	M. WALTERS.
(L.S.)	O. ENCKELL.	(L.S.)	S. ASKENAZY.
(L.S.)	R. ERICH.	(L.S.)	ERIC TROLLE.
(L.S.)	CARL ENCKELL.	(L.S.)	E. MARKS VON WÜRTEMBERG.

Procès-verbal of the deposit of Ratifications of the Convention relative to the Non-Fortification and Neutralization of the Aaland Islands, signed at Geneva, October 20, 1921, between Germany, Denmark, Esthonia, Finland, France, the British Empire, Italy, Latvia, Poland and Sweden.

In execution of Article 10 of the Convention signed at Geneva on the 20th October, 1921, the undersigned have met at the Secretariat of the League of Nations in order to proceed in agreement with the Secretary-General of the League to the deposit of ratifications and to place them in his custody.

The instruments of ratification being produced, and being found on examination in good and due form, have been entrusted to the Secretary-General of the League of Nations to remain deposited in the archives of the League.

The Secretary-General of the League of Nations will inform the contracting Powers of the deposit of the instruments of ratification made subsequently by States signatories of the Convention which are not in a position at this date to carry out this formality.

The same procedure shall be adopted in regard to every adherence which shall take place according to the terms of Article 9 of the Convention.

In faith whereof the present *procès-verbal* has been drawn up.

Done at Geneva, the 6th April, 1922.

For Germany:
DR. NASSE.

For Denmark:
H. DE RICHELIEU.

For Finland:
CARL ENCKELL.

For France:
P. DE REFFYE.

For the British Empire:
H. STANFORD LONDON.

For Sweden:
ADLERCREUTZ.

ERIC DRUMMOND, *Secretary-General of the League of Nations.*

TREATY BETWEEN THE PRINCIPAL ALLIED POWERS AND ROUMANIA RESPECTING BESSARABIA [1]

Signed at Paris, October 28, 1920

The British Empire, France, Italy, Japan, the Principal Allied Powers, and Roumania,

Whereas in the interests of general peace in Europe it is of importance to assure henceforth a sovereignty over Bessarabia in accordance with the aspirations of the population, and guaranteeing to its racial, religious and linguistic minorities the protection which is due to them;

Whereas from geographic, ethnographic, historic and economic points of view, the reunion of Bessarabia to Roumania is fully justified;

Whereas the population of Bessarabia has given proof of its desire to see Bessarabia reunited to Roumania;

In fine, whereas Roumania, of her own free will, desires to give positive guarantees of liberty and justice to the inhabitants of the former Kingdom of Roumania, and also to those of the territories newly transferred, irrespective of race, religion or language, in conformity with the treaty signed at Paris on the 9th December, 1919:

Have decided to conclude the present treaty and, to this end, have appointed the following as their plenipotentiaries, reserving the right to appoint others to sign it:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris;

And

For the Dominion of Canada:

The Right Honorable Sir G. Foster, G.C.M.G., P.C., Minister of Commerce;

For the Commonwealth of Australia:

The Right Honorable Andrew Fisher, High Commissioner for Australia in the United Kingdom;

For the Dominion of New Zealand:

The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris;

For the Union of South Africa:

The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris;

[1] British Treaty Series 1922, No. 15 (Cmd. 1747).

For India:

The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris;

The President of the French Republic:

M. Georges Leygues, President of the Council, Minister for Foreign Affairs;

M. Jules Cambon, Ambassador of France;

His Majesty the King of Italy:

Count Lelio Bonin Longare, Senator of the Kingdom, Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Italy at Paris;

His Majesty the Emperor of Japan:

Viscount Ishii, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan at Paris;

His Majesty the King of Roumania:

M. Take Jonesco, Minister for Foreign Affairs;

Prince Dimitrie Ghika, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Roumania at Paris;

Who have agreed on the following stipulations:

ARTICLE 1

The high contracting parties declare that they recognize the sovereignty of Roumania over the territory of Bessarabia comprised within the present frontier of Roumania, the Black Sea, the course of the Dniester from its mouth to the point where it is intersected by the former boundary between Bukovina and Bessarabia and that old boundary.

ARTICLE 2

A commission consisting of three members, one of whom shall be appointed by the Principal Allied Powers, one by Roumania and one by the Council of the League of Nations on the part of Russia, shall be constituted within fifteen days following the coming into force of the present treaty, in order to trace on the spot the new frontier line of Roumania.

ARTICLE 3

Roumania undertakes to observe the stipulations of the treaty signed at Paris on the 9th December, 1919, by the Principal Allied and Associated Powers and Roumania, and to ensure their rigorous observance in the territory of Bessarabia as defined in Article 1, and particularly to assure to its inhabitants, without distinction of race, language or religion, the same guarantees of liberty and justice as to the inhabitants of all other territories forming part of the Kingdom of Roumania.

ARTICLE 4

Roumanian nationality, to the exclusion of any other nationality, shall be accorded *ipso facto* to the nationals of the former Russian Empire settled in the territory of Bessarabia, as defined in Article 1.

ARTICLE 5

Within a period of two years from the date of the coming into force of the present treaty, nationals of the former Russian Empire over the age of 18 years and settled in the territory of Bessarabia, as defined in Article 1, shall be allowed to opt for any other nationality which may be open to them.

Option by the husband will include that by the wife, and option by the parents will include that by their children under the age of 18 years.

Persons who have exercised the right of option above provided must within the ensuing twelve months transfer their place of residence to the state for which they have opted.

They shall be at liberty to retain the immovable property which they possess in Roumanian territory. They may carry away their personal property of every description. No export duty shall be imposed on them on account of this removal.

ARTICLE 6

Roumania recognizes as Roumanian nationals, *ipso facto* and without any formality, nationals of the former Russian Empire who were born on the territory of Bessarabia, as defined in Article 1, of parents having their domicile there, although at the date of the coming into force of the present treaty they may not themselves be domiciled there.

Nevertheless, within two years from the coming into force of the present treaty, these persons may make a declaration before the competent Roumanian authorities in the country in which they reside, that they renounce Roumanian nationality, and they will then cease to be considered as Roumanian nationals. In this respect, the declaration of the husband will be held valid for the wife, and that of the parents will be held valid for children under the age of 18 years.

ARTICLE 7

The high contracting parties recognize that the mouth of the Danube, called the Kilia mouth, must pass under the jurisdiction of the European Commission of the Danube.

Pending the conclusion of a general convention for the international control of waterways, Roumania undertakes to apply to the sections of the river system of the Dniester comprised within her territory or constituting its frontiers, the régime provided in paragraph 1 of Article 332 and

in Articles 333 to 338 of the Treaty of Peace with Germany of the 28th June, 1919.

ARTICLE 8

Roumania shall assume responsibility for the share of the Russian public debt and all other financial obligations of the Russian state allotted to Bessarabia, which shall be fixed by a special convention between the Principal Allied and Associated Powers of the one part, and Roumania of the other part. This convention shall be drawn up by a commission appointed by the aforesaid powers. Should the commission not come to an agreement within a period of two years, the questions in dispute shall be at once submitted to the arbitration of the Council of the League of Nations.

ARTICLE 9

The high contracting parties will invite Russia to adhere to the present treaty as soon as a Russian government recognized by them shall be in existence. They reserve the right to submit to the arbitration of the Council of the League of Nations all questions which the Russian Government may raise respecting the details of this treaty, it being understood that the frontiers defined in the present treaty, as well as the sovereignty of Roumania over the territories therein comprised, cannot be called in question.

The same procedure shall apply to all difficulties which may subsequently arise from the carrying out of the treaty.

The present treaty shall be ratified by the signatory powers. It shall not come into force until after the deposit of these ratifications and from the coming into force of the treaty signed by the Principal Allied and Associated Powers and Roumania on the 9th December, 1919.

The deposit of ratifications shall take place at Paris.

Powers of which the seat of the government is outside Europe will be entitled merely to inform the Government of the French Republic, through their diplomatic representative at Paris, that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A *procès-verbal* of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory powers a certified copy of the *procès-verbal* of the deposit of ratifications.

Done at Paris the 28th October, 1920, in a single copy, which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be transmitted to each of the powers signatory of the treaty.

The plenipotentiaries who, owing to their temporary absence from Paris, are unable to attach their signature to the present treaty, will be allowed to do so until the 15th December, 1920.

In faith whereof, the undermentioned plenipotentiaries, whose full powers have been found in good and due form, have signed the present treaty.

(L.S.) DERBY.
(L.S.) ANDREW FISHER.
(L.S.) DERBY.
(L.S.) DERBY.
(L.S.) DERBY.
(L.S.) G. LEYGUES.
(L.S.) JULES CAMBON.
(L.S.) BONIN.
(L.S.) K. ISHII.
(L.S.) TAKE JONESCO.
(L.S.) D. J. GHIKA.

PROTOCOL OF ARBITRATION OF THE TACNA-ARICA DISPUTE[1]

Signed at Washington, D. C., July 20, 1922

Assembled at Washington, D. C., pursuant to the invitation of the Government of the United States of America, for the purpose of arriving at a settlement of the long-standing controversy, with respect to the unfulfilled provisions of the Treaty of Peace of October 20, 1883, the Republic of Chile and the Republic of Peru have for that purpose named their respective plenipotentiaries, that is to say:

Don Carlos Aldunate and Don Luis Izquierdo, Envoys Extraordinary and Ministers Plenipotentiary of Chile on Special Mission; and

Don Melitón F. Porras and Don Hernán Velarde, Envoys Extraordinary and Ministers Plenipotentiary of Peru on Special Mission; who, after exchanging their respective full powers found to be in good and due form, have agreed upon, and concluded the following articles:

Article 1—It is hereby recorded that the only difficulties arising out of the Treaty of Peace concerning which the two countries have not been able to reach an agreement, are the questions arising out of the unfulfilled provisions of Article 3 of said treaty.

Article 2—The difficulties referred to in the preceding article, will be submitted to the arbitration of the President of the United States of America, whose decision shall be final. The arbitrator shall give both parties opportunity to be heard, and shall take into consideration such arguments, evidence, and documents as may be presented. The arbitrator shall determine the periods within which the arguments, evidence, and documents shall be presented, and shall determine all questions of procedure.

Article 3—The present protocol shall be submitted to the approval of the respective governments, and ratifications exchanged at Washington, D. C.,

[1] *Bulletin of the Pan American Union*, September, 1922, pp. 220–221.

through the intermediary of the diplomatic representatives of Chile and Peru, within the maximum period of three months.

In witness whereof, the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this twentieth day of July, in the year of our Lord one thousand nine hundred and twenty-two.

SUPPLEMENTARY ACT

In order to determine with precision the scope of the arbitration stipulated in Article 2 of the protocol signed on this date, the undersigned agree to place on record the following points:

1. The following question, presented by Peru at a session of the conference held May 27th last, shall be included in the arbitration:

> "In order to determine the manner in which the stipulation of Article 3 of the Treaty of Ancon shall be fulfilled, it is agreed that there shall be submitted to arbitration the question whether, in the present circumstances a plebiscite shall or shall not be held."

The Government of Chile may submit to the arbitrator such arguments in opposition as may be deemed appropriate for the defense of her rights.

2. In the event that the decision is in favor of the holding of a plebiscite, the arbitrator shall have full power to determine the conditions for the holding of such plebiscite.

3. Should the arbitrator decide that a plebiscite shall not be held, both parties agree, upon the request of either of them, to enter into a discussion of the situation created by the decision of the arbitrator.

It is understood, in the interest of peace and good order, that in this event and pending an agreement as to the disposition of the territory, the administrative organization of the provinces shall not be disturbed.

4. In the event that no agreement is reached as a result of the above-mentioned discussion, the two governments will request the good offices of the Government of the United States, in order that an agreement may be reached.

5. It is agreed that pending claims relative to Tarata and Chilcaya are also included within the arbitration, in accordance with the final disposition of the territory, as referred to in Article 3 of said treaty.

This act forms an integral part of the protocol to which it refers.

In witness whereof, the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this twentieth day of July, in the year of our Lord one thousand nine hundred and twenty-two.

CONVENTION INSTITUTING THE DEFINITIVE STATUTE OF THE DANUBE [1]

Signed at Paris, July 23, 1921; all ratifications having been deposited before June 30, 1922, the convention came into force on that date.

Belgium, France, Great Britain, Greece, Italy, Roumania, the Serb-Croat-Slovene State and Czechoslovakia,

Being desirous of determining jointly, in accordance with the stipulations of the Treaties of Versailles, Saint-Germain, Neuilly and Trianon, the general regulations by which the unrestricted navigation of the Danube shall be definitely assured,

Have resolved to conclude a convention, and, for that purpose, have appointed as their respective plenipotentiaries, that is to say:

His Majesty the King of the Belgians:

M. Jules Brunet, Minister Plenipotentiary;

The President of the French Republic:

M. Albert Legrand, Minister Plenipotentiary, Delegate to the European and International Commissions of the Danube;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Mr. John Grey Baldwin, Minister Plenipotentiary, Delegate to the European Commission of the Danube;

His Majesty the King of the Hellenes:

M. André Andréadès, Professeur à la Faculté de droit de l'Université d'Athènes;

His Majesty the King of Italy:

Le Comte Vannutelli Rey, Counsellor of Legation;

His Majesty the King of Roumania:

M. Constantin Contzesco, Minister Plenipotentiary, Delegate to the European and International Commissions of the Danube;

His Majesty the King of the Serbs, Croats, Slovenes:

M. Mihaïlo G. Ristitch, Minister Plenipotentiary, Delegate to the International Commission of the Danube;

The President of the Republic of Czechoslovakia:

M. Bohuslav Müller, Secretary of State in the Ministry of Public Works, Minister Plenipotentiary, Delegate to the International Commission of the Danube;

who, having reciprocally communicated their full powers, found in good and due form, have, in the presence and with the participation of the duly authorized plenipotentiaries of Germany, Austria, Bulgaria and Hungary, that is to say:—

For Germany:

Dr. Arthur Seeliger, Minister Plenipotentiary, Delegate to the International Commission of the Danube;

[1] British Treaty Series 1922, No. 16 (Cmd. 1754).

For Austria:

Dr. Victor Ondraczek, Chef de section au Ministère fédéral des Communications publiques;

For Bulgaria:

M. Georges Lazaroff, Director-General, Ministry of Railways and Ports, Delegate to the International Commission of the Danube;

For Hungary:

His Excellency Edmond de Miklos de Miklosvar, Privy Councillor, Secretary of State, Delegate to the International Commission of the Danube;

agreed upon the following provisions:—

I.—*General Provisions.*

Article 1

Navigation on the Danube is unrestricted and open to all flags on a footing of complete equality over the whole navigable course of the river, that is to say, between Ulm and the Black Sea, and over all the internationalized river system as defined in the succeeding article, so that no distinction is made, to the detriment of the subjects, goods and flag of any power, between them and the subjects, goods and flag of the riparian state itself or of the state of which the subjects, goods and flag enjoy the most favored treatment.

These provisions shall be read with the reservations contained in Articles 22 and 43 of the present convention.

Article 2

The internationalized river system referred to in the preceding article consists of:

The Morava and the Thaya where, in their courses, they form the frontier between Austria and Czechoslovakia;

The Drave from Barcs;

The Tisza from the mouth of the Szamos;

The Maros from Arad;

Any lateral canals or waterways which may be constructed, whether to duplicate or improve naturally navigable portions of the river system, or to connect two naturally navigable portions of one of these waterways.

Article 3

Freedom of navigation and the equal treatment of all flags are assured by two separate commissions, that is to say, the European Commission of the Danube, of which the administrative sphere, as defined in Chapter II, extends over that part of the river known as the maritime Danube, and the International Commission of the Danube, of which the administrative sphere, as defined in Chapter III, extends over the navigable fluvial Danube as well as over those waterways which are declared by Article 2 to be international.

II.—*Maritime Danube.*

Article 4

The European Commission of the Danube is composed provisionally of one representative each of France, Great Britain, Italy and Roumania.

Nevertheless, any European state which, in future, is able to prove its possession of sufficient maritime commercial and European interests at the mouths of the Danube may, at its request, be accorded representation on the commission by a unanimous decision of the governments already represented.

Article 5

The European Commission retains the powers which it possessed before the war.

No alteration is made in the rights, prerogatives and privileges which it possesses in virtue of the treaties, conventions, international acts and agreements relative to the Danube and its mouths.

Article 6

The authority of the European Commission extends, under the same conditions as before, and without any modification of its existing limits, over the maritime Danube, that is to say, from the mouths of the river to the point where the authority of the International Commission commences.

Article 7

The powers of the European Commission can only come to an end as the result of an international agreement concluded by all the states represented on the commission.

The statutory seat of the commission shall continue to be at Galatz.

III.—*Fluvial Danube.*

Article 8

The International Commission is composed, in accordance with Articles 347 of the Treaty of Versailles, 302 of the Treaty of Saint-Germain, 230 of the Treaty of Neuilly, and 286 of the Treaty of Trianon, of two representatives of the German riparian states, one representative of each of the other riparian states and one representative of each of the non-riparian states which are, or which may be in future, represented on the European Commission of the Danube.

Article 9

The authority of the International Commission extends over the Danube between Ulm and Braila and over the river system defined as international in Article 2.

No waterway, other than those enumerated in Article 2, shall be placed under the authority of the International Commission without the unanimous consent of the said commission.

ARTICLE 10

On the portion of the Danube and river system placed under its authority, and within the limits of the powers derived from this convention, the International Commission is responsible that no obstacle of any description due to the action of one or more states is placed on the unrestricted navigation of the river; that in respect of access to and the use of ports and their equipment, the subjects, goods and flags of all powers are treated on a footing of complete equality and, generally, that the international character which has been assigned by the treaties to the river system of the Danube suffers no prejudice.

ARTICLE 11

On the basis of proposals and plans submitted by the riparian states, the International Commission draws up the general programme of important works of improvement which should be carried out in the interests of the navigability of the international river system and of which the execution may be spread over a period of several years.

The annual programme of current works of maintenance and improvement of the waterway is drawn up by each riparian state in respect of its own territory and communicated to the commission, which decides whether this programme is in conformity with the requirements of navigation; if necessary, the commission may modify the programme.

The commission, in all its decisions, shall take account of the technical, economic and financial interests of the riparian states.

ARTICLE 12

The works included in these two programmes shall be undertaken by the riparian states, each within the limits of its own frontiers. The commission will satisfy itself that the works are carried out and that they are in conformity with the relevant programme.

In case a riparian state is unable itself to undertake the works which relate to its own territory, it is obliged to allow the International Commission to carry them out under conditions determined by the commission. The commission may not, however, entrust the execution of works to another state unless the section in question of the waterway is a frontier, in which case the commission shall decide, having regard to the special provisions of the treaties, the manner in which the works shall be carried out.

The riparian states concerned are obliged to afford the commission or the executory state, as the case may be, all necessary facilities for carrying out the said works.

ARTICLE 13

The riparian states will have the right to carry out within the limits of their own frontiers, and without the previous consent of the commission, any works which may be necessitated by unforeseen and urgent circumstances. They must, however, without delay apprise the commission of the reasons which have necessitated the works, of which a summary description must be furnished.

ARTICLE 14

The riparian states shall supply the International Commission with a summary description of all works to be carried out on the portion of the waterway situated within their own frontiers which they consider necessary for their economic development, especially works designed to prevent inundation and those undertaken for purposes connected with irrigation and the utilization of hydraulic power.

The commission may not forbid the construction of such works except in so far as they may be detrimental to navigation.

If, within a period of two months from the date of the communication, the commission has made no observation, the execution of the works in question may be proceeded with without further formality. Should the contrary be the case, the commission shall take a definite decision in as short a time as possible and, at latest, within four months after the expiration of the first period.

ARTICLE 15

The costs of current works of maintenance are borne by the riparian states concerned.

Nevertheless, in the event of a state being able to prove that the expenditure involved for the maintenance of the navigable channel substantially exceeds what would be required in the interests of its own traffic, it may request the commission to distribute the expenditure equitably between it and the riparian states directly interested in the execution of the works in question. The commission, in that event, will determine the amount to be contributed by each state and will ensure the settlement of the accounts.

In the event of the commission itself undertaking works of maintenance within the frontiers of a state, it will receive from that state its contributory share of the expenditure.

ARTICLE 16

With regard to works of improvement properly so called and to works in respect of the maintenance of works of improvement of special importance, the state which carries them out may be authorized by the commission to cover their cost by the imposition of navigation dues.

If the commission itself undertakes works of this description, it may cover its expenditure by the imposition of dues.

ARTICLE 17

On those portions of the Danube which form the frontiers between two or more states, the execution of the necessary works and the apportionment of the expenditure involved shall be determined by agreement between the states concerned. Failing an agreement, the commission, with due regard for the provisions of the treaties, shall itself determine the conditions under which the works shall be carried out and, eventually, the apportionment of the expenditure incurred in their execution.

ARTICLE 18

Dues, when levied on navigation, shall be moderate in amount. They shall be assessed on the ship's tonnage and may in no case be based on the goods transported. This system of assessment may be revised by a unanimous decision of the commission at the expiration of a period of five years.

Revenue derived from navigation dues shall be exclusively applied to the works for which they were imposed. The International Commission shall fix and publish the tariffs and shall control the collection and the application of the dues.

The incidence of navigation dues may in no case involve differential treatment in respect of the flag of the vessels or the nationality of persons and goods or in respect of ports of departure or destination or control of the vessels; the dues may in no case provide revenue for either the collecting state or for the commission, nor, unless there exists a suspicion of fraud or transgression, may their collection render necessary a detailed examination of the cargo.

In cases where the International Commission itself undertakes the execution of works, it will collect the dues necessary to cover its expenditure through the riparian state concerned.

ARTICLE 19

Customs duties, tolls and other taxes imposed by riparian states on goods loaded or discharged in ports or on the banks of the Danube shall be levied without distinction of flag and in such a manner as to cause no hindrance to navigation.

Customs duties may not be higher than those levied at the other customs frontiers of the same state on goods of the same description, origin and destination.

ARTICLE 20

Ports and other places on the international waterway where public loading and discharging is carried out, together with their machinery and equipment, shall be accessible to navigation and utilizable without distinction in respect of flag, country of origin or of destination, nor shall preferential treatment be accorded by the local authorities to any vessel at the expense of any other

vessel save in exceptional cases where it is manifest that the exigencies of the moment and the interests of the country demand a modification of the principle. In these cases, the preferential treatment must be accorded so as not to constitute a real hindrance to the unrestricted exercise of navigation nor impair the principle of the equality of flags.

The same authorities shall be responsible that all traffic operations, such as loading, discharging, lightering, warehousing, transhipping, &c., are carried out as easily and rapidly as possible and in such a manner as not in any way to hinder navigation.

Taxes and dues, which shall be reasonable, equally applied to all flags and corresponding in amount to the expenses of construction, maintenance and working of the ports and their equipment, may be levied for the use of ports and places where public loading and discharging is carried out. The scale of taxes and dues shall be published and brought to the notice of those concerned. They shall only be levied when effective use is made of the equipment and machinery in respect of which they have been imposed.

The riparian states shall not hinder navigation companies from establishing on their territories the agencies necessary for the exercise of their business, subject to the observance of the laws and regulations of the country.

ARTICLE 21

In the event of riparian states deciding to create free ports or free zones in ports where transhipment is necessarily or generally carried out, the regulations relating to the use of these ports or zones shall be communicated to the International Commission.

ARTICLE 22

On the international waterway of the Danube, the transport of goods and passengers between the ports of separate riparian states as well as between the ports of the same state is unrestricted and open to all flags on a footing of perfect equality.

Nevertheless, a regular local service for passengers or for national or nationalized goods between the ports of one and the same state may only be carried out by a vessel under a foreign flag in accordance with the national laws and in agreement with the authorities of the riparian state concerned.

ARTICLE 23

The passage in transit of vessels, rafts, passengers and goods, whether effected directly or after transhipment or after warehousing, is free on the internationalized waterway of the Danube.

Traffic in transit shall not be subject to customs duties or other special dues based solely on the fact of transit.

When both banks of a waterway belong to the same state, goods in transit may be placed under seal, under lock or under the guard of customs officers.

The state through whose territory the traffic in transit passes shall have the right to require the captain or owner of a vessel to make a written declaration, on oath if necessary, stating whether or not he is carrying goods of which the carriage is subject to regulations or of which the importation is prohibited by the state through whose territory the traffic is in transit. A list of these goods will be communicated as soon as possible to the International Commission.

The authorities of the state through whose territory the traffic is in transit cannot require the production of a ship's manifest unless the captain has been convicted of attempted smuggling or the customs seals or locks have been forced. If, in this event, a discrepancy is discovered between the cargo and the manifest, the captain or owner may not invoke the principle of free transit of goods in order to shelter himself or the goods which he proposed to transport fraudulently from any legal action which, in accordance with the laws of the country, may be directed against him by the customs authorities.

When the waterway forms the frontier between two states, vessels, rafts, passengers and goods in transit shall be exempted from all customs formalities.

ARTICLE 24

The International Commission shall draw up, on the basis of territory by a legislative or administrative act and shall be police regulations which, as far as possible, shall be uniform for the waterway placed under its authority.

Each state shall bring these regulations into force in its own territory by a legislative or administrative act and shall be responsible for their application under the conditions of control recognized by Articles 27 to 30 appertaining to the commission.

On frontier sections, the application of the regulations shall be assured under the same conditions by agreement between the riparian states or, in default of an agreement, by each riparian state within its own territorial boundaries.

ARTICLE 25

The general policing of the international waterway shall be exercised by the riparian states, who will communicate the relevant regulations to the International Commission to enable the latter to satisfy itself that their provisions do not infringe the principle of freedom of navigation.

ARTICLE 26

All vessels specially employed by riparian states on river police work shall carry, in addition to the national flag, a distinctive and uniform flag. The names, descriptions and numbers of the vessels thus employed shall be communicated to the International Commission.

ARTICLE 27

To carry out the task which has been confided to it by the terms of the present convention, the International Commission shall establish such administrative, technical, sanitary and financial services as may be considered necessary. The commission shall appoint and pay the personnel of these services and define their duties.

The Commission may thus establish at its headquarters:—

1. A permanent secretariat, of which the departmental chief shall be chosen from among the subjects of a non-riparian state represented on the commission.

2. A technical department, of which the chief shall be appointed, if he belongs to a non-riparian state, whether represented or not on the commission, by the statutory majority of its members, or, if he belongs to a riparian state of the Danube, by the unanimous vote of the commission.

3. A navigation service, of which the departmental chief shall be selected from among the subjects of a European state not represented on the commission.

4. An accounting and tax-controlling department, of which the chief shall be chosen from among the subjects of a riparian or non-riparian state, whether represented or not on the commission.

These heads of departments shall be assisted by functionaries, chosen preferably and, equally, as far as possible, from among the subjects of the riparian states. These functionaries are international; they are appointed, paid and may only be dismissed by the commission.

ARTICLE 28

Each riparian state shall designate suitable functionaries, whose duties, within the limits of the frontiers of their respective states, shall be to place their services and local experience at the disposal of the high functionaries of the International Commission and to assist them in the execution of their work.

ARTICLE 29

Riparian states shall afford the commission's functionaries all necessary facilities for the accomplishment of their duties. These functionaries, who shall be in possession of a warrant from the commission setting forth their official position, shall have the right to circulate freely on the river and in the ports and other places where public loading and discharging is carried out; the local authorities in every riparian state shall afford them assistance in the execution of their duties. The police and customs formalities to which they may necessarily be subjected shall be carried out so as not to interfere with their duties.

ARTICLE 30

The properly qualified functionaries of the commission shall report every offence against the navigation and police regulations to the competent local authorities, who are required to apply the appropriate punishments and to inform the commission of the measures taken in respect of the offence of which they were notified.

Each riparian state shall indicate to the commission the courts which are appointed to deal in first instance and on appeal with the offences referred to in the preceding paragraph. The commission's representative who has reported the offence shall, if occasion requires, be heard before these courts, which should be situated as close to the river as possible.

ARTICLE 31

In judicial actions relative to navigation on the Danube which may be brought before a court of a riparian state, special bail (*caution judicatum solvi*) may not be demanded from foreigners either on account of their nationality or owing to their not having a domicile or residence or not possessing effects in the country in which the tribunal is situated.

The captain of a vessel may not be prevented from continuing his voyage on account of an action having been instituted against him once he has furnished the surety required by the judge in respect of the action itself.

ARTICLE 32

In order to maintain and improve navigable conditions on the section of the Danube between Turnu-Severin and Moldova, known as the Iron Gates and Cataracts, the two riparian states concerned and the International Commission shall by agreement set up special technical and administrative services with central headquarters at Orsova, without prejudice to other auxiliary services which, in case of necessity, may be established at other points of the section. With the exception of the pilots, who may be selected from the subjects of any country, the personnel of these services shall be provided and appointed by the two riparian states; this personnel shall be placed under the direction of heads of services selected by the same states and approved by the International Commission.

ARTICLE 33

The commission, on the basis of proposals made by the services referred to in the preceding article, shall decide on the measures which may be usefully undertaken in respect of the upkeep and improvement of the navigable conditions and of the administration of the section, as well as of the dues or other resources required to meet the expenditure involved, subject to the condition, however, that no financial obligation shall be imposed on any of the governments represented on the commission.

The commission shall draw up special regulations to govern the working of these services, the method of collecting the dues and the payment of the personnel.

The commission shall place at the disposal of these services the equipment, buildings and fixtures referred to in Article 288 of the Treaty of Trianon.

When the natural difficulties which have occasioned the institution of these special administrative measures have disappeared, the commission may decide to abolish them and to place the section under the same administrative system, in respect of works and dues, which obtains on other frontier sections of the waterway.

ARTICLE 34

The commission may, if it so decides, apply a similar administrative system to other parts of the waterway which offer the same natural difficulties to navigation, and may likewise abolish that system under the conditions set forth in the preceding article.

ARTICLE 35

The International Commission determines its own method of procedure by regulations drawn up in plenary session. When establishing the annual budget, the commission will decide upon the measures to be adopted to meet the general expenses of its administration. The commission fixes the number of its ordinary and extraordinary sessions and the place where they shall be held, and constitutes a permanent executive committee, composed of the commissioners or their deputies present at the seat of the commission, and responsible for carrying out the decisions taken during the plenary session and for the proper conduct of the service.

The presidency of the commission is held for a period of six months by each delegation in turn in the alphabetical order of the states represented.

The commission may only validly deliberate when two-thirds of its members are present.

Decisions are taken by a majority vote of two-thirds of the members present.

ARTICLE 36

The statutory seat of the International Commission shall be at Bratislava for a period of five years from the date of the coming into force of this convention.

At the expiration of that period, the commission shall have the right to change its seat, for a further period of five years, to another town situated on the Danube, by virtue of a system of rotation which shall be decided by the commission.

ARTICLE 37

The property of the International Commission and the person of the commissioners are entitled to the privileges and immunities which are accorded in peace and war to accredited diplomatic agents.

The commission shall have the right to fly on its buildings and vessels a flag, of which it shall itself determine the description and color.

ARTICLE 38

All question relative to the interpretation and application of the present convention shall be submitted to the commission.

A state which is prepared to allege that a decision of the International Commission is *ultra vires* or violates the convention may, within six months, submit the matter to the special jurisdiction set up for that purpose by the League of Nations. A demand for a ruling under the aforesaid conditions, based on any other grounds, may only be preferred by the state or states territorially interested.

When a state neglects to carry out a decision taken by the commission in virtue of the powers which it holds from the convention, the dispute may be submitted to the jurisdiction referred to in the preceding paragraph, in the conditions provided for in the rules of the said jurisdiction.

IV.—*General Stipulations.*

ARTICLE 39

The International Commission of the Danube and the European Commission of the Danube shall take all measures necessary to ensure, so far as it is possible and advisable, a uniform system of administration for the Danube.

The two commissions shall, for this purpose, regularly exchange all information, documents, minutes, plans and projects which may interest both. They may by agreement draw up certain identic regulations relative to the navigation and policing of the river.

ARTICLE 40

The states signatory of the present convention shall endeavor, by the conclusion of separate conventions, to establish uniform civil, commercial, sanitary and veterinary regulations relative to the exercise of navigation and to shipping contracts.

ARTICLE 41

All treaties, conventions, acts and agreements relative to international waterways generally and particularly to the Danube and its mouths, which are in force when the present convention is signed, are maintained in all and sundry of their stipulations which are not abrogated or modified by the preceding stipulations.

ARTICLE 42

At the expiration of five years from the date of its coming into force, the present statute may be revised if two-thirds of the signatory states so request and specify the stipulations which appear to them to require revision.

This request shall be addressed to the Government of the French Republic, which will summon, within six months, a conference in which all the states signatory of the present convention shall be invited to take part.

V.—*Temporary Stipulation.*

ARTICLE 43

The provisions of the present convention shall be interpreted in the sense that they shall not infringe the stipulations of the treaties of peace as indicated in Articles 327 (paragraph 3), 332 (paragraph 2) and 378 of the Treaty of Versailles and the corresponding articles of the Treaties of Saint-Germain, Neuilly and Trianon.

ARTICLE 44

The present convention shall be ratified and the ratifications deposited at Paris as soon as possible, and at latest before the 31st March, 1922.[2]

The present convention shall come into operation three months after the deposit of the ratifications.

In witness whereof the above-mentioned plenipotentiaries have signed the present convention, drawn up in a single copy, which shall be deposited in the archives of the Government of the French Republic, a certified copy being transmitted to each of the signatory powers.

Done at Paris, the 23rd July, 1921.

(L.S.) J. BRUNET.
(L.S.) A. LEGRAND.
(L.S.) JOHN BALDWIN.
(L.S.) A. ANDRÉADÈS.
(L.S.) VANNUTELLI REY.
(L.S.) CONST. CONTZESCO.
(L.S.) M. G. RISTITCH.
(L.S.) ING. BOHUSLAV MÜLLER.
(L.S.) SEELIGER.
(L.S.) DR. ONDRACZEK.
(L.S.) GEORGES LAZAROFF.
(L.S.) E. DE MIKLOS.

FINAL PROTOCOL

At the time of signing the act establishing the definitive statute of the Danube and with a view to making its meaning more precise, the undersigned plenipotentiaries have agreed as follows:—

[2] By Additional Protocol signed at Paris dated March 31, 1922, this period was prolonged until June 30, 1922.

Ad ARTICLE 2

The administrative system embodied in the present statute shall be applied to the portion of the Tisza situated between the mouth of the Szamos and Tisza-Ujlak as soon as the International Commission of the Danube decide that that portion is navigable.

Ad ARTICLE 19

The provisions of the second paragraph of Article 19 shall not be understood so as to debar riparian states from eventually claiming the benefit of the exceptional conditions which may be admitted by the general convention referred to in Article 338 of the Treaty of Versailles and in the corresponding articles of the other treaties of peace.

Ad ARTICLE 22

(*a.*) By the traffic referred to in the second paragraph of Article 22 shall be understood any public service for the transport of passengers and goods organized under a foreign flag between the ports of one and the same state, when that service is carried on sufficiently regularly, uninterruptedly and in volume sufficient to influence unfavorably, to the same extent as regular lines properly so called, the national interests of the state within which it is carried on.

(*b.*) It is understood that the provisions of Article 22 do not in any way modify the situation which exists by virtue of Article 332 of the Treaty of Versailles and the corresponding provisions of the other treaties of peace in respect of the relations between the Allied States on the one hand, and Germany, Austria, Bulgaria and Hungary on the other hand, or in respect of the relations of the latter states to each other, for the duration of the periods of time during which that situation shall be continued in execution of Article 378 of the Treaty of Versailles and of the corresponding articles of the other treaties of peace.

On the expiration of these periods of time, the provisions of Article 22 shall become applicable to all the states without exception.

Ad ARTICLE 23

The state through which transit takes place shall not have the right to prohibit the transit of the goods referred to in the fourth paragraph of Article 23, nor that of persons or animals, except in cases provided for by the sanitary and veterinary laws of the country through which the transit takes place, or by international convention relative to the subject.

Ad ARTICLE 31

Article 31 shall be understood in the sense that the subjects of foreign countries may not be placed in a more favorable position than the subjects of the country concerned.

Ad ARTICLE 42

In the event of the abolition of the European Commission being decided on before the expiration of the period of five years referred to in Article 42, the governments signatory of the present convention shall come to an arrangement in respect of the conditions of revision of the present statute.

Ad ARTICLE 44

The first paragraph of Article 44 shall be understood in the sense that it shall not infringe the stipulations contained in Article 349 of the Treaty of Versailles and in the corresponding articles of the other treaties of peace.

In witness whereof the undersigned plenipotentiaries have drawn up the present protocol, which shall have the same validity and duration as the convention to which it refers.

Done at Paris, the 23rd July, 1921.

J. BRUNET.
A. LEGRAND.
JOHN BALDWIN.
A. ANDRÉADÈS.
VANNUTELLI REY.
CONST. CONTZESCO.
M. G. RISTITCH.
ING. BOHUSLAV MÜLLER.

SEELIGER.
DR. ONDRÁCZEK.
GEORGÈS LAZAROFF.
E. DE MIKLOS.

AGREEMENT BETWEEN THE BRITISH AND DANISH GOVERNMENTS RESPECTING MATTERS OF WRECK.[1]

No. 1.

Mr. Balfour to M. de Grevenkop-Castenskiold.

Sir, *Foreign Office, September* 28, 1918.

I have the honour to inform you that His Majesty's Government have duly considered the suggestion made in your note of the 28th ultimo, for the conclusion of a special arrangement with the Danish Government to enable Danish Consuls in the United Kingdom to intervene in matters of wreck without their being called upon to produce any special authorisation to do so.

2. I beg leave to state that His Majesty's Government are prepared to conclude an arrangement of this description, on a basis of reciprocity, in the following terms:—

[1] British Treaty Series, 1921, No. 4.

(1.) Any vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

(2.) If any vessel of one of the Contracting Parties shall run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Danish Consular officer in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the country, and such Consular officers, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or standing of a national vessel.

The Contracting Parties agree moreover that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

(3.) In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow-countrymen.

3. Should the Danish Government be willing to accept these proposals, I should be glad if you would be so good as to inform me accordingly, in which case the present note and your reply would, it is suggested, be sufficient to place upon formal record the understanding arrived at between our respective Governments.

I have, &c. A. J. BALFOUR.

No. 2.

M. de Grevenkop-Castenskiold to Earl Curzon.

(*Received November* 30.)

Danish Legation, London,
November 29, 1920.

My Lord,

In reply to Mr. Balfour's note of the 28th September, 1918, concerning the conclusion of a reciprocal arrangement between His Britannic Majesty's

Government and the King's Government enabling their respective Consular officers to intervene in matters of wreck without special authorisation, I have the honour hereby to inform your Lordship that I have this day been directed to accept in their entirety the terms laid down in the above-mentioned note as the basis of the proposed arrangement. The King's Government is equally agreed that the said note and the present reply shall be sufficient to constitute and place upon formal record the understanding in question. I shall, therefore, feel grateful if your Lordship will be good enough to transmit to me an official acknowledgment of my Government's acceptance as herein conveyed.

I have, &c.

H. GREVENKOP-CASTENSKIOLD.

No. 3.

Earl Curzon to M. Tage Bull.

Sir, *Foreign Office, January* 20, 1921.

I had the honour to receive M. de Grevenkop-Castenskiold's note of the 29th November last, in which he was good enough to inform me that the proposals contained in my predecessor's note of the 28th September, 1918, concerning the conclusion of an arrangement between the United Kingdom and Denmark with respect to matters of wreck meet with the approval and acceptance of the Danish Government.

2. It would seem convenient that the agreement thus arrived at between the two Governments should be regarded as taking effect from the date of the receipt of M. de Grevenkop-Castenskiold's note, viz., the 30th November last, and I shall be glad to learn whether the Danish Government concur in this proposal.

3. I have the honour to add that the Board of Trade will give the necessary instructions to Receivers of Wreck in this country for their guidance in dealing with future cases of Danish wrecks on the coasts of the United Kingdom.

I have, &c.

CURZON OF KEDLESTON.

No. 4.

M. Tage Bull to Earl Curzon.

(*Received January* 22.)

Danish Legation, London,

My Lord, *January* 21, 1921.

While acknowledging with thanks your Lordship's note of the 20th instant regarding an arrangement relative to matters of wreck, I have the honour

to state that I am authorised to concur on behalf of the King's Government with the proposal that the arrangement in question between the United Kingdom and Denmark should be regarded as taking effect from the 30th November, 1920.

I have, &c.

T. BULL,
Chargé d'Affaires a.i.

DESPATCH TO HIS BRITANNIC MAJESTY'S REPRESENTATIVES ABROAD RESPECTING THE STATUS OF EGYPT[1]

Sir, *Foreign Office, March* 15, 1922.

His Majesty's Government, with the approval of Parliament, have decided to terminate the protectorate declared over Egypt on the 18th December, 1914, and to recognise her as an independent sovereign State. In informing the Government to which you are accredited of this decision you should communicate the following notification:—

> When the peace and prosperity of Egypt were menaced in December 1914 by the intervention of Turkey in the Great War in alliance with the Central Powers, His Majesty's Government terminated the suzerainty of Turkey over Egypt, took the country under their protection and declared it to be a British protectorate.
>
> The situation is now changed. Egypt has emerged from the war prosperous and unscathed, and His Majesty's Government, after grave consideration and in accordance with their traditional policy, have decided to terminate the protectorate by a declaration in which they recognise Egypt as an independent sovereign State, while preserving for future agreements between Egypt and themselves certain matters in which the interests and obligations of the British Empire are specially involved. Pending such agreements, the *status quo* as regards these matters will remain unchanged.
>
> The Egyptian Government will be at liberty to re-establish a Ministry for Foreign Affairs and thus to prepare the way for the diplomatic and consular representation of Egypt abroad.
>
> Great Britain will not in future accord protection to Egyptians in foreign countries, except in so far as may be desired by the Egyptian Government and pending the representation of Egypt in the country concerned.
>
> The termination of the British protectorate over Egypt involves, however, no change in the *status quo* as regards the position of other Powers in Egypt itself.
>
> The welfare and integrity of Egypt are necessary to the peace and safety of the British Empire, which will therefore always maintain as an essential British interest the special relations between itself and Egypt long recognised by other Governments. These special relations are defined in the declaration recognising Egypt as an independent sovereign State. His Majesty's Government have laid them down as

[1] British Parliamentary Command Paper No. 1617.

matters in which the rights and interests of the British Empire are vitally involved, and will not admit them to be questioned or discussed by any other Power. In pursuance of this principle, they will regard as an unfriendly act any attempt at interference in the affairs of Egypt by another Power, and they will consider any aggression against the territory of Egypt as an act to be repelled with all the means at their command.

I am, &c.

CURZON OF KEDLESTON.

AGREEMENT BETWEEN THE BRITISH AND ESTHONIAN GOVERNMENTS RESPECTING COMMERCIAL RELATIONS.[1]

No. 1.

M. Piip to Earl Curzon of Kedleston.

Esthonian Legation, London,
July 20, 1920.

My Lord,

IT being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Esthonia, I have the honour to inform you that, on condition of reciprocity, British nationals and goods, the produce or manufacture of the territories of His Britannic Majesty, will enjoy unconditionally in Esthonia treatment at least as favourable in all respects as that accorded to the nationals and goods, the produce or manufacture of the most favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation as regards importation, exportation and transit, and, in general, in all that concerns customs duties and formalities and commercial operations, the establishment of British subjects in Esthonia, the exercise of commerce, industries and professions, and the payment of taxes.

2. British vessels will enjoy in the ports, rivers and territorial waters of Esthonia treatment not less favourable than that accorded to Esthonian vessels or to vessels of the most favoured foreign country, subject however to the right of the Esthonian Government to reserve the coasting trade to Esthonian vessels.

3. Esthonia further undertakes, on condition of reciprocity, to accord freedom of transit to persons, goods, vessels, aircraft, carriages, wagons and mails in transit to or from the United Kingdom over Esthonian territory, including territorial waters, and to treat them at least as favourably as Esthonian persons, goods, vessels, aircraft, carriages, wagons and mails, respectively, or those of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

4. The foregoing stipulations will not be applicable to India or to any of

[1] British Treaty Series, 1920, No. 19.

His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the seas, unless notice of accession to this arrangement shall have been given on behalf of India or any such Dominion, Colony, Possession or Protectorate by His Britannic Majesty's representative at Reval before the expiration of twelve months from this date. Nevertheless, goods, the produce or manufacture of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions and Protectorates, will enjoy in Esthonia complete and unconditional most-favoured-nation treatment so long as India or such Dominion, Colony, Possession or Protectorate accords to goods, the produce or manufacture of Esthonia, treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country.

5. The above arrangement will have effect as from the date of this note, and will remain in force unless and until either of our respective Governments has given notice to the other of its intention to terminate it. In that case, it will remain in force until the expiration of six months from the date of such notice.

As regards India and the British Dominions, Colonies, Possessions and Protectorates which may have acceded to this arrangement in virtue of the provisions of paragraph 4, either of our respective Governments shall have the right to terminate it separately on giving six months' notice to that effect.

I have, &c.

ANT. PIIP.

No. 2.

Earl Curzon of Kedleston to M. Piip.

Sir, *Foreign Office, July* 20, 1920.

IT being the desire of our respective Governments to establish close commercial relations between the United Kingdom and Esthonia, I have the honour to inform you that, on condition of reciprocity, Esthonian nationals and goods, the produce or manufacture of the territories of Esthonia, will enjoy unconditionally in the territories of His Britannic Majesty treatment at least as favourable in all respects as that accorded to the nationals and goods, the produce or manufacture of the most favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation as regards importation, exportation and transit, and, in general, in all that concerns customs duties and formalities and commercial operations, the establishment of Esthonian subjects in the territories of His Britannic Majesty, the exercise of commerce, industries and professions, and the payment of taxes.

2. Esthonian vessels will enjoy in the ports, rivers and territorial waters of the territories of His Britannic Majesty treatment not less favourable

than that accorded to British vessels or to vessels of the most favoured foreign country, subject, however, to the right of the British Government to reserve the coasting trade to British vessels.

3. His Majesty's Government further undertake, on condition of reciprocity, to accord freedom of transit to persons, goods, vessels, aircraft, carriages, wagons and mails in transit to or from Esthonia over the territories of His Britannic Majesty, including territorial waters, and to treat them at least as favourably as British persons, goods, vessels, aircraft, carriages, wagons and mails, respectively, or those of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

4. The foregoing stipulations will not be applicable to India or to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the seas, unless notice of accession to this arrangement shall have been given on behalf of India or any such Dominion, Colony, Possession or Protectorate by His Britannic Majesty's representative at Reval before the expiration of twelve months from this date. Nevertheless, goods, the produce or manufacture of India or of any of His Britannic Majesty's Dominions, Colonies, Possessions and Protectorates, will enjoy in Esthonia complete and unconditional most-favoured-nation treatment so long as India or such Dominion, Colony, Possession or Protectorate accords to goods, the produce or manufacture of Esthonia, treatment as favourable as that accorded to the produce of the soil or industry of any other foreign country.

5. The above arrangement will have effect as from the date of this note, and will remain in force unless and until either of our respective Governments has given notice to the other of its intention to terminate it. In that case, it will remain in force until the expiration of six months from the date of such notice.

As regards India and the British Dominions, Colonies, Possessions and Protectorates which may have acceded to this arrangement in virtue of the provisions of paragraph 4, either of our respective Governments shall have the right to terminate it separately on giving six months' notice to that effect.

I have, &c.

CURZON OF KEDLESTON.

CONVENTION BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS.[1]

Signed at London, February 2, 1922; ratifications exchanged at London, May 2, 1922.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous to facilitate the conduct of legal proceedings between persons resident in their respective territories, have decided to conclude a Convention for this purpose and have accordingly nominated as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: the Most Honorable the Marquess Curzon of Kedleston, K.G., His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the French Republic: His Excellency Count de Saint-Aulaire, Ambassador Extraordinary and Plenipotentiary of the French Republic in London;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

Article 1.

This Convention applies only to civil and commercial matters.

Transmission of Judicial and Extra-judicial Documents.

Article 2.

In cases where the law of one of the High Contracting Parties permits documents to be served in the territory of the other, such service may be effected in either of the following ways indicated in Articles 3 and 4.

Article 3.

(*a.*) The request for service is addressed:

In France, by the British Consul to the "Procureur de la République" within whose jurisdiction the recipient of the document is;

In England, by the Consul-General of France in London to the Senior Master of the Supreme Court of Judicature in England.

(*b.*) The request is drawn up in the language of the authority applied to. It contains the name of the authority from whom the document enclosed emanates, the names and descriptions of the parties, and the address of the recipient. It is accompanied by the original and two copies of the document in question in the language of the State making the request, and by a trans-

[1] British Treaty Series, 1922, No. 5.

lation certified by the consular authority of that State, and a copy of such translation.

(*c.*) The service is effected by the delivery of the original or a copy of the document, as indicated in the request, and the copy of the translation, to the recipient in person, in England, by a process server; in France, by a "huissier" appointed by the "Procureur de la République."

(*d.*) The judicial authority applied to transmits to the consular authority making the request a certificate establishing the fact and the date of the service in person, or indicating the reasons for which it has not been possible to effect it.

(*e.*) When the document transmitted to the "Procureur de la République" is intended for a person resident in another jurisdiction, this magistrate will immediately notify the consular authority making the request, and will, of his own motion, transmit the document to the "Procureur de la République" who is competent.

(*f.*) No State fees of any nature whatever shall be charged in respect of the service. Nevertheless, the State making the request must repay to the State applied to any charges which are payable under the local law to the persons employed to effect service. These charges are calculated in accordance with the tariff in force in the State applied to. Repayment of these charges is claimed by the judicial authority applied to from the consular authority making the request when transmitting the certificate provided for in paragraph (*d.*).

(*g.*) The execution of a request for service can only be refused if the State in whose territory it is to be effected considers it such as to compromise its sovereignty or safety.

(*h.*) Any difficulties which may arise in respect of the request shall be settled through the diplomatic channel.

ARTICLE 4.

The service of judicial or extra-judicial documents may also be made directly and without the application of any compulsion through the medium and under the responsibility of the consular authority of each of the High Contracting Powers in the territory of the other.

Commissions rogatoires.

ARTICLE 5.

Evidence which is required for use in one of the contracting countries is taken in the territory of the other, at the request of the party interested, in one of the ways indicated in Articles 6, 7 and (where applicable) 8.

ARTICLE 6.

(*a.*) The competent judicial authority of one of the parties addresses itself by means of a "commission rogatoire" to the competent judicial authority

of the other State, requesting it to take the evidence of witnesses within its jurisdiction in legal form.

(*b.*) The "commission rogatoire" is transmitted—

In England, by the Consul-General of France in London to the Senior Master of the Supreme Court of Judicature in England;

In France, by the British Consul to the "Procureur de la République" within whose jurisdiction the "commission rogatoire" is to be executed.

(*c.*) The "commission rogatoire" is drawn up in the language of the authority making the request and accompanied by a translation in the language of the authority applied to.

(*d.*) The judicial authority to whom the "commission rogatoire" is addressed executes it by the use of the same compulsory measures as would be applied in the case of a commission emanating from the authorities of the State applied to or of a request to that effect made by an interested party in the territory of that State.

(*e.*) The authority making the request is, if it so desires, informed of the date and place where the proceedings asked for will take place, in order that the interested party may be able to be present either in person or by his representative.

(*f.*) The execution of a "commission rogatoire" can only be refused—

1. If the authenticity of the document is not established;

2. If the State within whose territory the execution was to have taken place considers it such as to affect its sovereignty or safety.

(*g.*) In case the authority applied to is without jurisdiction, the "commission rogatoire" is forwarded without any further request to the competent authority of the same State, in accordance with the rules laid down by the law of the latter.

(*h.*) In every instance in which the "commission rogatoire" is not executed by the authority applied to, the latter at once informs the authority making the request, stating the grounds on which the execution of the "commission rogatoire" has been refused, and in the event of the authority being without jurisdiction, the authority to whom the commission has been forwarded.

(*i.*) The judicial authority proceeding to the execution of a "commission rogatoire" applies, so far as the procedure to be followed is concerned, the law of its own country.

Nevertheless, an application by the authority making the request that some special procedure may be followed shall be acceded to, provided such procedure be not contrary to the law of the State applied to.

(*j.*) No State fees of any nature shall be levied in respect of the execution of the "commission rogatoire."

Nevertheless, the State making the request repays to the State applied to the charges and expenses payable to witnesses or experts, the costs of obtaining the attendance of witnesses who have not appeared voluntarily,

and finally, the charges payable to any person whom the competent judicial authority may have deputed to act in cases where the local law permits this to be done.

The repayment of these expenses is claimed by the authority applied to from the authority making the request when transmitting to it the documents establishing the execution of the "commission rogatoire." These charges are calculated in accordance with the tariff in force in the State applied to.

(*k.*) Any difficulties which may arise in respect of the transmission of the "commission rogatoire" are settled through the diplomatic channel.

ARTICLE 7.

(*a.*) The evidence may also be taken without the intervention of the local authority by the consular authority of the country before whose courts the evidence is to be used.

(*b.*) The consular authority may invite the attendance of witnesses and the production of documents and administer an oath, but without exercising any compulsory powers.

(*c.*) The consular authority takes the evidence in accordance with the laws of his own country. The parties have the right to be present or to be represented by any person who is competent to act before the tribunals of the consul's State.

ARTICLE 8.

(*a.*) If the law of the country applied to authorizes such procedure, the competent court of the State applied to may be requested to appoint a person to take the evidence. Such person may be a consular authority of the State making the request or any other person proposed by that State.

(*b.*) In this case the court applied to takes the necessary steps to secure the attendance of witnesses and the production of documents, making use, if necessary, of its compulsory powers.

(*c.*) The person thus nominated has the same power to administer an oath as a judge, and persons giving false evidence before him are liable in the courts of the State applied to to the penalties provided by the law of that State for perjury.

(*d.*) The evidence is taken in accordance with the law of the country in which it is to be used, and the parties have the right to be present in person or represented by any persons who are competent to act before the courts of that State.

ARTICLE 9.

The fact that an attempt to take evidence under the procedure laid down in Article 7 has failed owing to a refusal of a witness to appear, give evidence or produce documents does not prevent an application being subsequently made to take the evidence in accordance with Article 8.

Final Provisions.

(*a.*) The present Convention shall come into force two months after the date on which ratifications are exchanged and shall remain in force for three years after its coming into force. In case neither of the High Contracting Parties shall have given notice to the other six months before the expiration of the said period of its intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given such notice.

(*b.*) This Convention shall not apply to any of the Dominions, Colonies, Possessions or Protectorates of the two High Contracting Parties, but either High Contracting Party may at any time extend, by a simple notification, this Convention to any such Dominion, Colony, Possession or Protectorate.

Such notification shall state the date on which the Convention shall come into force, the authorities to whom judicial and extra-judicial acts and "commissions rogatoires" are to be transmitted, and the language in which communications and translations are to be made.

Each of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of the extension of this Convention to any of its Dominions, Colonies, Possessions or Protectorates, terminate such extension on giving six months' previous notice.

(*c.*) This Convention shall also not apply to Scotland or Ireland; but His Britannic Majesty shall have the right to extend the Convention to Scotland or Ireland on the conditions set forth in the preceding paragraph in respect of Dominions, Colonies, Possessions or Protectorates.

In witness whereof the Undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London, the 2nd day of February, 1922.

(L.S.) CURZON OF KEDLESTON.
(L.S.) SAINT-AULAIRE.

AGREEMENT BETWEEN THE UNITED STATES AND FRANCE MODIFYING THE PROVISIONS OF ARTICLE VII OF THE CONVENTION OF NAVIGATION AND COMMERCE OF JUNE 24, 1822.[1]

Signed at Washington, July 17, 1919; ratifications exchanged at Washington, January 10, 1921.

The Government of the United States of America and the Government of the French Republic, being desirous of modifying the provisions of Article VII of the Convention of Navigation and Commerce concluded between them on June 24, 1822, have authorized the undersigned, to wit:

The Honorable Frank L. Polk, Acting Secretary of State of the United States, and

[1] U. S. Treaty Series, No. 650.

His Excellency Mr. J. J. Jusserand, Grand Officer of the National Order of the Legion of Honor, Ambassador of France at Washington,

To conclude the following Agreement:

ARTICLE I.

It is agreed between the High Contracting Parties that Article VII, of the Convention of Navigation and Commerce, concluded between the Government of the United States and the Government of France on June 24, 1822, shall be modified and replaced by the following:

"The present temporary Convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least three months beforehand. And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated."

ARTICLE II.

The present Agreement shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the French Republic, and shall become effective upon the exchange of ratifications which shall take place at Washington as soon as possible.

Done in duplicate at Washington in the English and French languages this 17th day of July one thousand nine hundred and nineteen.

[SEAL.] FRANK L. POLK
[SEAL.] JUSSERAND

SUPPLEMENTARY CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING FOR THE ACCESSION OF THE DOMINION OF CANADA TO THE REAL AND PERSONAL PROPERTY CONVENTION OF MARCH 2, 1899.[1]

Signed at Washington, October 21, 1921; ratifications exchanged at Washington, June 17, 1922.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of permitting the Dominion of Canada to accede to the Convention concerning the tenure and disposition

[1] U. S. Treaty Series, No. 663.

of real and personal property, signed at Washington on March 2, 1899, have agreed to conclude a supplementary Convention for that purpose, and have named as their plenipotentiaries:

The President of the United States of America, the Honorable Charles E. Hughes, Secretary of State of the United States, and

His Britannic Majesty, The Right Honorable Sir Auckland Geddes, K. C. B., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who having communicated to each other their Full Powers, which were found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I

The provisions of the Convention of March 2nd, 1899, shall become applicable to the Dominion of Canada upon ratification of the present Convention in the manner provided by Article II hereof.

ARTICLE II

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Britannic Majesty. The ratifications shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

The Convention of March 2, 1899, may be terminated with respect to the Dominion of Canada on twelve months' notice to that effect given at any time by either the United States or His Britannic Majesty.

In witness whereof, the respective plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate at Washington, this twenty-first day of October, 1921.

[SEAL.] CHARLES E. HUGHES.
[SEAL.] A. C. GEDDES.

REPLY OF REPARATION COMMISSION TO REQUEST OF GERMAN GOVERNMENT FOR A MORATORIUM[1]

August 31, 1922

The Reparation Commission has the honor to communicate herewith to the German Government its decision, No. 2119, in reply to the letter which the Reichskanzler addressed to it on July 12 last.

In view of the fact that the Reparation Commission has not seen fit to grant the moratorium requested by the German Government, it has not thought it proper for the time being to pronounce upon the proposals outlined by the German Government with a view to ensuring the strict

[1] London *Times*, September 1, 1922, p. 8.

execution of the coal and timber deliveries prescribed by the Reparation Commission. The Reparation Commission, however, reserves the right to require the enforcement of measures similar to those proposed by the German Government if, in the future, the coal and timber deliveries are not satisfactorily carried out.

(Signed) DUBOIS.
J. BRADBURY.
SALVAGO RAGGI.
LÉON DELACROIX.

Decision Number 2119

The Reparation Commission, after examining the new request for a moratorium dated July 12, 1922, and taking into account the fact that the German State has lost its credit both internal and external, and that the mark has depreciated continuously down to three one-thousandth of its normal value, decides:

1. To defer its decision on the request of the German Government until the Commission has completed its scheme for the radical reform of German public finances, including:

(a) The balancing of the budget.

(b) In the event of the governments represented on the Reparation Commission giving their prior consent thereto, the reduction of Germany's foreign obligations in so far as may be considered necessary for the restoration of their credit.

(c) Currency reform.

(d) The issue of foreign and internal loans in order to consolidate the financial situation.

2. With a view to giving time for the preparation and carrying out of the measures referred to under paragraph 1 above, the Commission agrees to accept in payment of the cash instalments falling due on August 15 and September 15, and, unless in the meantime other arrangements are made, of the further cash instalments falling due between October 15 and December 31, 1922, German Government six months treasury bills payable in gold and guaranteed in such manner as may be agreed between the German Government and the Government of Belgium (to which the future payments have been assigned), or, in default of such agreement, by the deposit of gold in a foreign bank approved by Belgium.

TREATY BETWEEN THE PRINCIPAL ALLIED POWERS AND DENMARK RELATIVE TO SLESVIG [1]

Signed at Paris, July 5, 1920

The British Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, of the Treaty of Peace of Versailles, and Denmark;

Whereas by Article 109 of the Treaty of Peace concluded at Versailles on the 28th June, 1919, it was provided that the frontier between Germany and Denmark should be fixed in conformity with the wishes of the population;

And whereas by the said treaty provision was made for holding a plebiscite of the population concerned, and it was provided that a frontier line should be fixed by the Principal Allied and Associated Powers according to a line based on the result of the voting and proposed by the International Plebiscite Commission, and taking into account the particular geographical and economic conditions of the localities in question;

And whereas by Article 110 of the said treaty Germany renounced definitely in favor of the Principal Allied and Associated Powers all rights of sovereignty over the territories of Slesvig to the north of the line so fixed;

And whereas the said plebiscite has been held, and the Principal Allied and Associated Powers, having in consequence fixed the frontier between Germany and Denmark and notified the same to those powers on the 15th June, 1920, desire to transfer immediately to Denmark the sovereignty over the said territories, without prejudice to the further stipulations by which they reserve the right to regulate, in agreement with Germany and Denmark, the questions arising out of the said transfer, as provided under the second paragraph of Article 114 of the Treaty of Versailles;

For this purpose the high contracting parties have appointed as their plenipotentiaries the following, reserving the right of substituting others to sign the same treaty:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris; and

For the Dominion of Canada:

The Honorable Sir George Halsey Perley, K.C.M.G., High Commissioner for Canada in the United Kingdom;

For the Commonwealth of Australia:

The Right Honorable Andrew Fisher, High Commissioner for Australia in the United Kingdom;

[1] British Treaty Series 1922, No. 17 (Cmd. 1585).

For the Dominion of New Zealand:
The Honorable Sir Thomas Mackenzie, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;
For the Union of South Africa:
Mr. Reginald Andrew Blankenberg, O.B.E., Acting High Commissioner for the Union of South Africa in the United Kingdom;
For India:
The Right Honorable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris;
The President of the French Republic:
M. Jules Cambon, Ambassador of France;
M. Georges Maurice Paléologue, Ambassador of France, General Secretary of the Foreign Office;
His Majesty the King of Italy:
Count Lelio Bonin Longare, Senator of the Kingdom, Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Italy at Paris;
His Majesty the Emperor of Japan:
Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan at London;
His Majesty the King of Denmark and Iceland:
M. Herman Anker Bernhoft, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark and Iceland at Paris;

Who have agreed as follows:—

ARTICLE 1

The Principal Allied and Associated Powers hereby transfer to Denmark, who accepts the transfer, free and quit of all charges and obligations, subject to the provisions of the present treaty, all rights of sovereignty which they hold, under the third paragraph of Article 110 of the Treaty of Peace with Germany signed at Versailles on 28th June, 1919, over the territories, islands and islets of Slesvig, situated to the north of the frontier line hereafter described. This transfer will date from 15th June, 1920, the day on which the fixing of the frontier was officially notified to Germany and Denmark.

From the Baltic Sea westwards to the entrance of the Flensburger Fiord,
the principal channel of navigation;
thence to the intersection of longitude 9° 28′ east of Greenwich with the parallel of latitude 54° 50′ north,
the principal channel of navigation of the Flensburger Fiord;
thence at a bearing of 315° east from true north to a point 400 metres from the 3-fathom line, from the northern bank of the fiord
a straight line;

thence westwards to the mouth of the Krusau River on the western shore of Flensburger Fiord,

a line generally parallel to the north coast of this fiord;

thence northwards to the point where the southern boundary of the Kupfermühle factory joins the Krusau River,

the course of this river upstream;

thence northwards to the most western point of the Kupfermühle reservoir about 400 metres south-east of Krusau,

the southern and eastern boundaries of the factory, then the north-eastern and north-western banks of this reservoir;

thence westwards to the point where the Krusau River meets the boundary between the communes of Norderschmedeby and Bau,

a line to be fixed on the ground, cutting the Flensburg-Apenrade road at a point about 400 metres south of Krusau;

thence south-south-westwards to the point where the Bau–Niehuus road crosses the Krusau River,

the course of this river upstream;

thence south-westwards to the point where the southern boundary of the commune of Bau meets the eastern boundary of the commune of Fröslee,

a line to be fixed on the ground, passing east of the farm of Waldemarstoff and south of Pattburg and its railway station;

thence in a general westerly direction to the point where the southern boundary of the commune of Eggebeck meets the Scheidebeck,

the southern boundaries of the communes of Fröslee, Kracklund and Eggebeck;

thence to a point to be chosen on the Süder Au about 500 metres east of its confluence with the Wied Au,

the courses of the Scheidebeck, Alte Au, and Süder Au, downstream;

thence westwards to a point to be chosen on the northern shore of Ruttebül Lake near Ringswarf,

a line to be fixed on the ground, running approximately parallel to, and not more than 400 metres south, of the Wied Au and passing north of Aventoft;

thence westwards to the point where the Kjärdeich meets Lake Ruttebüll, about 500 metres south of Ruttebüll,

the median line of this lake;

thence westwards to the North Sea at Sieltoft,

a line following the Kjärdeich, then the southern boundaries of Ruttebüller Koog, Alter Friedrichen Koog and Neuer Friedrichen Koog;

thence a line in a general north-westerly direction, leaving the Island of Sylt to Germany, and the Island of Röm to Denmark.

The frontier line described above will be traced on the spot by the commission provided for in Article 111 of the Treaty of Peace with Germany signed at Versailles on 28th June, 1919.

ARTICLE 2

The territories referred to in the first paragraph of Article 1 will remain henceforth inalienable except with the consent of the Council of the League of Nations.

ARTICLE 3

The Principal Allied and Associated Powers reserve the right to provide subsequently, in accordance with the second paragraph of Article 114 of the Treaty of Versailles, by further stipulations to which Germany and Denmark will be parties, for the settlement of the questions, particularly those relating to nationality and financial and economic questions, arising out of the acquisition by Denmark of the sovereignty over the territories referred to in Article 1.

The present treaty, in French and English, shall be ratified.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A *procès-verbal* of the deposit of the ratifications shall be drawn up as soon as all the signatory powers have ratified, and at that moment the treaty will come into force.

The French Government will transmit to all the signatory powers a certified copy of the *procès-verbal* of the deposit of ratifications.

On ratifying the Treaty of Versailles, the United States will *ipso facto* be entitled to adhere to the present treaty.

In faith whereof the hereinafter-named plenipotentiaries, whose powers have been found in good and due form, have signed the present treaty.

Done at Paris, the fifth day of July, one thousand nine hundred and twenty, in a single copy, which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the signatory powers.

(L.S.) DERBY.
(L.S.) DERBY.
(L.S.) JULES CAMBON.
(L.S.) PALÉOLOGUE.
(L.S.) BONIN.
(L.S.) K. MATSUI.
(L.S.) H. A. BERNHOFT.

AGREEMENT BETWEEN THE BRITISH AND HUNGARIAN GOVERNMENTS RESPECTING THE SETTLEMENT OF ENEMY DEBTS REFERRED TO IN SECTION III OF PART X OF THE TREATY OF THE TRIANON OF JUNE 4, 1920.[1]

Signed at London, December 20, 1921; ratifications exchanged at London, April 20, 1922.

His Britannic Majesty's Government having given notice that they adopt Section III and the Annex thereto of Part X of the Treaty of the Trianon as between Hungary on the one hand and the United Kingdom, India and the British Colonies and Protectorates, with the exception of Egypt, on the other hand, it is hereby agreed between His Britannic Majesty's Government and the Government of Hungary that the said Section and Annex shall be subject in their application to the provisions set out below:

1. Notwithstanding the provisions of Article 231 (*a*) of the Treaty of the Trianon, direct communication may be permitted with the consent of the two Clearing Offices between the interested parties with regard to the settlement of debts due to British nationals. Such settlements may be permitted with the sanction of the Clearing Offices in each case.

2. The British Clearing Office will be prepared to consider applications made before the 31st March, 1922, for the release of property, rights and interests chargeable under paragraph 4 of the Annex to Article 232 of the Treaty with a view to the settlement of debts by amicable arrangement, provided that the proportion of the assets so to be released to the amount of the debts removed by the arrangement from the operation of the Clearing Offices is not such as, in the opinion of the British Clearing Office, will have the effect of reducing the dividend payable from Hungarian property subject to the charge to British creditors generally. It is understood that the pecuniary obligations referred to in Section III of Part X of the Treaty of the Trianon and therein described as "enemy debts" do not fall within the class of property, rights and interests in respect of which an application for release may be made under this paragraph.

3. The proceeds of liquidation of Hungarian property, rights and interests and cash assets of Hungarians, within the territories of the British Empire in respect of which notice has been given of the adoption of the Clearing Office system, will be credited to the Hungarian Government in the account referred to in paragraph 11 of the Annex to Article 231.

4. Similarly, the proceeds of any liquidation of British property, rights and interests and cash assets of British nationals (other than property, rights, interests and cash assets of British nationals ordinarily resident, and British Companies incorporated, in a part of the British Empire to which this Agreement does not extend) for which the Hungarian Government is liable to account in accordance with the provisions of Section IV of Part

[1] British Treaty Series, 1922, No. 4.

X of the Treaty of the Trianon shall be credited to the British Government in this account. Compensation awarded by the Mixed Arbitral Tribunal under paragraph (e) of Article 232 shall also be credited to the British Government in the same account.

5. To remove doubts the claims by British nationals with regard to their property, rights and interests with the payment of which all property, rights and interests of Hungarian nationals within British territory, and the net proceeds of the sale, liquidation or any other dealings therewith may under paragraph 4 of the Annex to Section IV of Part X of the Treaty be charged shall be deemed to include the classes of pecuniary obligations referred to in paragraphs (3) and (4) of Article 231 of the Treaty.

6. The account referred to above may, at the option of the British Clearing Office, be rendered separately in respect of India.

7. The Hungarian Government undertakes to use its best endeavor to collect the debts due through the Clearing Offices from its nationals to British nationals as promptly as possible.

8. Subject to the fulfilment of the following conditions, His Britannic Majesty's Government will not require payment of the balances referred to in paragraph 11 of the Annex to Article 231 within the periods therein prescribed. The Hungarian Clearing Office shall pay to the British Clearing Office not later than the 31st March and the 30th September each year, beginning with the 31st March, 1922, in respect of the debts of Hungarian nationals, including local authorities, the sterling value of the amounts collected from Hungarian nationals during the previous six months, the sum to be paid in each half-year, in respect of such debts and of obligations of the Hungarian State, being not less than 250,000 pounds sterling or the sterling equivalent of 225,000,000 kronen, whichever of the two is the greater. Nevertheless, the amount of each of the first two minimum payments shall be 150,000 pounds sterling, and of the next two payments 250,000 pounds sterling without regard to the exchange rate of the krone. Each of the first six minimum payments to be made may, however, be reduced to the extent of 100,000 pounds or, in the case of the fifth and sixth payments, the sterling equivalent of 90,000,000 kronen by the amounts previously paid in cash direct by Hungarian debtors to British creditors in accordance with arrangements sanctioned by the Clearing Offices, and provided out of funds which are not chargeable under the treaty.

9. In addition to the interest provided for in the case of enemy debts by paragraph 22 of the Annex to Section III of Part X of the Treaty, further interest at the rate of 5 per cent. per annum (simple interest) shall be payable upon all sums credited to British nationals in the said account or any balance of such sums remaining for the time being unpaid, from the date of such credit until the date of payment to the creditor or claimant. Such further interest shall be borne by the Hungarian Government and debited to it in the said account.

10. Payment of the above-mentioned instalments shall continue until the balance against Hungary in the account above referred to shall have been fully met.

11. So far as the assets and liabilities of the Austro-Hungarian Bank may be determined to be those of a Hungarian national, they shall be subject to the provisions of this Agreement.

12. In the event of the claims of British creditors in respect of interest coupons in arrear on Hungarian State loans or loans of the city of Budapest being satisfied by the funding of the amounts so due, His Britannic Majesty's Government will be prepared in principle to consider the modification of the amounts of the minimum instalments payable under paragraph 8, having regard to the liability outside the scope of the Clearing Office accruing upon the Hungarian Government by such funding.

13. Subject to the right of the British authorities to refuse permission in any particular case, and to the laws for the time being in force, Hungarian nationals will be permitted, upon request notified to the proper British authority, to bid at any sale by auction of their property in the United Kingdom.

14. Pending the ratification of this Agreement, direct communication will be permitted between the interested parties with the consent of the two Clearing Offices with a view to the negotiation only of the settlements referred to in paragraphs 1 and 2 of this Agreement.

Done in English and Hungarian, of which the English text shall prevail in case of divergence, at London, the 20th day of December, 1921.

(L.S.) CURZON OF KEDLESTON.
(L.S.) ETIENNE DE HEDRY.

FRANCO-TURKISH AGREEMENT SIGNED AT ANGORA ON OCTOBER 20, 1921 [1]

Agreement between M. Franklin-Bouillon, former Minister, and Yussuf Kemal Bey, Minister for Foreign Affairs of the Government of the Grand National Assembly of Angora.

ARTICLE 1

The high contracting parties declare that from the date of the signature of the present agreement the state of war between them shall cease; the armies, the civil authorities and the people shall be immediately informed thereof.

ARTICLE 2

As soon as the present agreement has been signed, the respective prisoners of war and also all French and Turkish persons detained or imprisoned shall be set at liberty and conducted, at the cost of the party which detained them,

[1] British Parliamentary Command Paper, No. 1556.

to the nearest town which shall be designated for this purpose. The benefit of this article extends to all detained persons and prisoners of both parties, irrespective of the date and place of detention, of imprisonment or of capture.

ARTICLE 3

Within a maximum period of two months from the date of the signature of the present agreement, the Turkish troops shall withdraw to the north and the French troops to the south of the line specified in Article 8.

ARTICLE 4

The evacuation and the occupation which shall take place within the period provided in Article 3 shall be carried out according to a form to be decided upon by mutual agreement by a mixed commission appointed by the military commanders of the two parties.

ARTICLE 5

A complete amnesty shall be granted by the two contracting parties in the regions evacuated as soon as they are reoccupied.

ARTICLE 6

The Government of the Grand National Assembly of Turkey declares that the rights of minorities solemnly recognized in the National Covenant will be confirmed by it on the same basis as that established by the conversations on this subject between the Entente Powers, their enemies and certain of their Allies.

ARTICLE 7

A special administrative régime shall be established for the district of Alexandretta. The Turkish inhabitants of this district shall enjoy every facility for their cultural development. The Turkish language shall have official recognition.

ARTICLE 8

The line mentioned in Article 3 is fixed and determined as follows:—

The frontier line shall start at a point to be selected on the Gulf of Alexandretta immediately to the south of the locality of Payas and will proceed generally towards Meidan-Ekbez (leaving the railway station and the locality to Syria); thence it will bend towards the south-east so as to leave the locality of Marsova to Syria and that of Karnaba as well as the town of Killis to Turkey; thence it will join the railway at the station of Chobanbey. Then it will follow the Bagdad Railway, of which the track as far as Nisibin will remain on Turkish territory; thence it will follow the old road between Nisibin and Jeziret-ibn-Omar where it will join the Tigris. The localities of Nisibin and Jeziret-ibn-Omar as well as the road will remain Turkish; but the two countries shall have the same rights to the use of this road.

The stations and sidings of the section between Choban-bey and Nisibin shall belong to Turkey as forming parts of the track of the railway.

A commission comprising delegates of the two parties will be constituted, within a period of one month from the signature of the present agreement, to determine the above-mentioned line. This commission shall begin its labors within the same period.

ARTICLE 9

The tomb of Suleiman Shah, the grandfather of the Sultan Osman, founder of the Ottoman dynasty (the tomb known under the name of Turk Mezari), situated at Jaber-Kalesi shall remain, with its appurtenances, the property of Turkey, who may appoint guardians for it and may hoist the Turkish flag there.

ARTICLE 10

The Government of the Grand National Assembly of Turkey agrees to the transfer of the concession of the section of the Bagdad Railway between Bozanti and Nisibin as well as of the several branches constructed in the vilayet of Adana to a French group nominated by the French Government, with all the rights, privileges and advantages attached to the concessions, particularly as regards working and traffic.

Turkey shall have the right to transport troops by railway from Meidan-Ekbez to Choban-bey in Syrian territory and Syria shall have the right to transport troops by railway from Choban-bey to Nisibin in Turkish territory.

In principle no differential tariff shall be levied over this section and these branches. However, should a case arise, the two governments reserve the right to examine by mutual agreement any departure from this rule which may become necessary.

Failing agreement, each party will resume its liberty of action.

ARTICLE 11

A mixed commission shall be constituted after the ratification of the present agreement with a view to the conclusion of a customs convention between Turkey and Syria. The terms and also the duration of this convention shall be fixed by this commission. Until the conclusion of the above-mentioned convention the two countries will preserve their liberty of action.

ARTICLE 12

The waters of Kuweik shall be shared between the city of Aleppo and the district to the north remaining Turkish in such a way as to give equitable satisfaction to the two parties.

The city of Aleppo may also organize, at its own expense, a water-supply from the Euphrates in Turkish territory in order to meet the requirements of the district.

ARTICLE 13

The inhabitants, whether settled or semi-nomadic, who enjoy rights of pasturage or who own property on one or other side of the line fixed in Article 8 shall continue to exercise their rights as in the past. They shall be able, for this purpose, freely and without payment of any duty of customs or of pasturage or any other tax, to transport from one side to the other of the line their cattle with their young, their implements, their tools, their seeds and their agricultural produce, it being well understood that they are liable for the payment of the imposts and taxes due to the country where they are domiciled.

Yussuf Kemal Bey to M. Franklin-Bouillon.

Your Excellency, *Angora, October* 20, 1921.

I rejoice in the hope that the agreement concluded between the Government of the Grand National Assembly of Turkey and the Government of the French Republic with a view to effect a definitive and durable peace will result in reestablishing and consolidating the close relations which formerly existed between the two nations, the Government of the French Republic endeavoring to settle in a spirit of cordial agreement all the questions relating to the independence and the sovereignty of Turkey.

The Government of the Grand Assembly, desirous on its part to promote the development of the material interests common to the two countries, authorizes me to inform you that it is disposed to grant the concession for the iron, chrome and silver mines in the Karshut valley for a period of ninety-nine years to a French group, which, within a period of five years from the date of the signature of the present agreement, must begin to work this concession through a company constituted in accordance with Turkish law, in which Turkish capital shall participate to the extent of 50 per cent.

In addition the Turkish Government is prepared to examine with the utmost goodwill other requests for concessions for mines, railways, ports and rivers which may be put forward by French groups, on condition that these requests are in accordance with the reciprocal interests of Turkey and of France.

On the other hand, Turkey desires to benefit from the collaboration of French specialist instructors in her professional schools. To this end, she will at a later date acquaint the French Government with the extent of her requirements.

Finally, Turkey hopes that after the conclusion of the agreement the French Government will authorize French capitalists to enter into economic and financial relations with the Government of the Grand National Assembly of Turkey.

I have, &c.

(Signed) YUSSUF KEMAL.

AN ACT RELATIVE TO THE NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN [1]

September 22, 1922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

SEC. 2. That any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided,* That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation.

SEC. 4. That a woman who, before the passage of this Act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this Act: *Provided,* That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the

[1] Public, No. 346, 67th Congress. [H. R. 12022.]

same citizenship status as if her marriage had taken place after the passage of this Act.

SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

SEC. 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907.

SEC. 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage.

Approved, September 22, 1922.

CONVENTION BETWEEN THE UNITED KINGDOM AND SIAM RESPECTING THE SETTLEMENT OF ENEMY DEBTS REFERRED TO IN SECTION III OF PART X OF THE TREATY OF VERSAILLES OF JUNE 28, 1919.[1]

Signed at London, December 20, 1921; ratifications exchanged at London, April 20, 1922.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, with a view to the settlement of certain matters arising under Article 296 of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on the 28th June, 1919, have named as their Plenipotentiaries:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Most Honorable the Marquess Curzon of Kedleston, K.G., His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam: Phya Buri Navarasth, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James;

Who having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:—

ARTICLE 1.

The provisions of Section III of Part X of the Treaty of Versailles of the 28th June, 1919, so far as they relate to enemy debts, shall apply, subject to the provisions of the present Convention, to Siamese nationals resident within the United Kingdom and India, British Colonies not possessing

[1] British Treaty Series, 1922, No. 3.

responsible Government and British Protectorates (with the exception of Egypt) in the same way and under the same conditions as to British nationals residing within these territories.

ARTICLE 2.

Similarly the provisions of Section III of Part X of the Treaty of Versailles of the 28th June, 1919, so far as they relate to enemy debts, shall apply, subject to the provisions of the present Convention, to British nationals resident in Siam in the same way and under the same conditions as to Siamese nationals residing within these territories.

ARTICLE 3.

Each of the High Contracting Parties is authorized to collect the debts of nationals of the other High Contracting Party resident within its territory, to German nationals admitted or found due in accordance with the provisions of Article 296 and the Annex thereto and shall be responsible for accounting to Germany for such debts in accordance with § (*b*) of Article 296.

Each of the High Contracting Parties shall effect payment to the nationals of the other High Contracting Party resident within its territory of the debts admitted or found due to them in accordance with the provisions of Article 296 and the Annex thereto. Payment in full shall be effected upon admission, subject to deduction of $2\frac{1}{2}$ per cent., or, in the case of Colonies and Protectorates, such other percentage as may under local regulations be chargeable to nationals of the High Contracting Party effecting payment.

ARTICLE 4.

This Convention is only applicable to the payment of enemy debts coming within paragraphs 1 and 2 of Article 296.

ARTICLE 5.

Difficulties arising in the application of the present Convention shall be settled by direct agreement between the Controllers of the two Clearing Offices. In case of disagreement the difficulty will be submitted to arbitration.

ARTICLE 6.

This Convention, when duly ratified, shall be notified to Germany, and the period of six months referred to in paragraph 5 of the Annex to Section III of the Treaty shall begin to run as from the date of such notification.

In witness whereof the Undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London, the 20th day of December, 1921.

(L.S.) CURZON OF KEDLESTON.
(L.S.) BURI NAVARASTH.

OFFICIAL DOCUMENTS

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OFFICIAL DOCUMENTS

RESOLUTION CONCERNING THE ESTABLISHMENT OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE PASSED UNANIMOUSLY BY THE ASSEMBLY OF THE LEAGUE OF NATIONS*

December 13, 1920

1. The Assembly unanimously declares its approval of the draft statute of the Permanent Court of International Justice, as amended by the Assembly, which was prepared by the Council under Article 14 of the Covenant and submitted to the Assembly for its approval.

2. In view of the special wording of Article 14 the statute of the Court shall be submitted within the shortest possible time to the members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this statute. It shall be the duty of the Council to submit the statute to the members.

3. As soon as this protocol has been ratified by the majority of the members of the League, the statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said statute in all disputes between the members or states which have ratified as well as between the other states, to which the Court is open under Article 35, paragraph 2, of the said statute.

4. The said protocol shall likewise remain open for signature by the states mentioned in the Annex to the Covenant.

PROTOCOL OF SIGNATURE RELATING TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE [1]

December 16, 1920

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned statute.

* *Journal* of the First Assembly of the League of Nations, No. 27, December 14, 1920, p. 229.

[1] Official text issued by the League of Nations.

The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the Annex to the Covenant of the League.

The statute of the Court shall come into force as provided in the abovementioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

OPTIONAL CLAUSE

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory, *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the statute of the Court, under the following conditions:

[*The signatures and ratifications of the protocol and of the optional clause were as follows up to September, 1922.*] [2]

States which have signed and ratified the protocol:

Albania	Japan
Australia	Lithuania
Austria	Netherlands
Belgium	New Zealand
Brazil	Norway
Bulgaria	Poland
Canada	Portugal
China	Rumania
Cuba	Serb-Croat-Slovene State
Czecho-Slovakia	Siam
Denmark	South Africa
Finland	Spain
France	Sweden
Greece	Switzerland
Haiti	United Kingdom
India	Uruguay
Italy	Venezuela

[2] League of Nations *Official Journal*, Oct. 1921, pp. 807–9; Jan. 1922, p. 5; Feb. 1922, pp. 119–20; Mar. 1922, p. 203; Apr. 1922, p. 305; May, 1922, p. 425; June, 1922, p. 475; Aug. 1922, p. 757; Sept. 1922, p. 1025.

States which have signed but not ratified the protocol:

Bolivia	Liberia
Chile	Luxemburg
Colombia	Panama
Costa Rica	Paraguay
Esthonia	Persia
Latvia	Salvador

States which have signed and ratified the optional clause:

Austria	Lithuania
Brazil [3]	Netherlands [5]
Bulgaria	Norway
China	Portugal
Denmark [4]	Sweden [4]
Finland [4]	Switzerland [4]
Haiti	Uruguay

States which have signed but not ratified the optional clause:

Costa Rica	Panama
Liberia	Salvador
Luxemburg [4]	

[3] Brazil signed the optional clause for a period of five years and with the reserve that its signature shall be considered invalid unless the clause is signed by at least two Powers permanently represented on the Council of the League of Nations.

[4] For a period of five years only.

[5] For a period of five years only, in respect of any future dispute in regard to which the parties have not agreed to have recourse to some other means of friendly settlement.

STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE PROVIDED FOR BY ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NATIONS[1]

ARTICLE 1

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the conventions of The Hague of 1899 and 1907, and to the special tribunals of arbitration to which states are always at liberty to submit their disputes for settlement.

CHAPTER I

Organization of the Court

ARTICLE 2

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in

[1] Official text issued by the League of Nations.

their respective countries for appointment to the highest judicial offices, or are juris-consults of recognized competence in international law.

ARTICLE 3

The Court shall consist of fifteen members: eleven judges and four deputy judges. The number of judges and deputy judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy judges.

ARTICLE 4

The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the Pacific Settlement of International Disputes.[2]

ARTICLE 5

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration belonging to the states mentioned in the Annex to the Covenant or to the states which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

[2] Article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes reads as follows:

"Each signatory power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrators.

"The persons thus selected are inscribed, as members of the court, in a list which shall be notified by the Bureau to all the contracting powers.

"Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the contracting powers.

"Two or more Powers may agree on the selection in common of one or more members.

"The same person can be selected by different powers.

"The members of the court are appointed for a term of six years. Their appointments can be renewed.

"In case of the death or retirement of a member of the court, his place shall be filled in accordance with the method of his appointment, for a new term of six years." (SUPPLEMENT to this JOURNAL, Vol. 2, p. 60.)

ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

ARTICLE 7

The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

ARTICLE 8

The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy judges.

ARTICLE 9

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10

Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12

If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the conference is unanimously agreed upon any person who fulfils the re-

quired conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

ARTICLE 13

The members of the Court shall be elected for nine years.

They may be reelected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ARTICLE 14

Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the Court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15

Deputy judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court and shall have regard, first, to priority of election and, secondly, to age.

ARTICLE 16

The ordinary members of the Court may not exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the Court.

Any doubt on this point is settled by the decision of the Court.

ARTICLE 17

No member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy judges as regards cases in which they are called upon to exercise their functions on the Court.

No member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

ARTICLE 18

A member of the Court can not be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

Formal notification thereof shall be made to the Secretary-General of the League of Nations, by the Registrar.

This notification makes the place vacant.

ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

ARTICLE 21

The Court shall elect its President and Vice-President for three years; they may be reelected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be deemed incompatible with those of Secretary-General of the Permanent Court of Arbitration.

ARTICLE 22

The seat of the Court shall be established at The Hague.

The President and Registrar shall reside at the seat of the Court.

ARTICLE 23

A session of the Court shall be held every year.

Unless otherwise provided by rules of Court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The President may summon an extraordinary session of the Court whenever necessary.

ARTICLE 24

If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

If the President considers that for some special reason one of the members of the Court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

ARTICLE 25

The full Court shall sit except when it is expressly provided otherwise.

If eleven judges can not be present, the number shall be made up by calling on deputy judges to sit.

If, however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

ARTICLE 26

Labor cases, particularly cases referred to in Part XIII (Labor) of the Treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for labor cases" composed of two persons nominated by each member of the League of Nations and an equivalent number nominated by the Governing Body of the Labor Office. The Governing Body will nominate, as to one half, representatives of the workers, and as to one half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding articles of the other treaties of peace.

In labor cases the International Labor Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that office shall receive copies of all the written proceedings.

ARTICLE 27

Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other treaties of peace shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In

addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for transit and communications cases" composed of two persons nominated by each member of the League of Nations.

ARTICLE 28

The special chambers provided for in Articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30

The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31

Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the bench a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the bench no judges of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfil the conditions required by Articles 2, 16, 17, 20, 24 of this statute. They shall take part in the decision on an equal footing with their colleagues.

ARTICLE 32

The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council. This indemnity must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

The Vice-President, judges and deputy judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 31 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.

ARTICLE 33

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II

Competence of the Court

ARTICLE 34

Only states or members of the League of Nations can be parties in cases before the Court.

ARTICLE 35

The Court shall be open to the members of the League and also to states mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a state which is not a member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute toward the expenses of the Court.

ARTICLE 36

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The members of the League of Nations and the states mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other member or state accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

(*a*) The interpretation of a treaty.

(*b*) Any question of international law.

(*c*) The existence of any fact which, if established, would constitute a breach of an international obligation.

(*d*) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or states, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

ARTICLE 37

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

ARTICLE 38

The Court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;

4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

Procedure

ARTICLE 39

The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40

Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the members of the League of Nations through the Secretary-General.

ARTICLE 41

The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

ARTICLE 42

The parties shall be represented by agents.

They may have the assistance of counsel or advocates before the Court.

ARTICLE 43

The procedure shall consist of two parts: written and oral.

The written proceedings shall consist of the communication to the judges and to the parties of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

ARTICLE 44

For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45

The hearing shall be under the control of the President or, in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47

Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

ARTICLE 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ARTICLE 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50

The Court may, at any time, intrust any individual, body, bureau, commission or other organization that it may select, with the task of carrying out an inquiry or giving an expert opinion.

ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

ARTICLE 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favor of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54

When, subject to the control of the Court, the agents, advocates and counsel have completed their presentation of the case, the President shall declare the hearing closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

ARTICLE 55

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

ARTICLE 56

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ARTICLE 61

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

ARTICLE 62

Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ARTICLE 63

Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CONVENTIONS, PROTOCOLS AND DECLARATIONS SIGNED AT THE CONFERENCE ON CENTRAL AMERICAN AFFAIRS, WASHINGTON, D. C., FEBRUARY 7, 1923*

CONVENTION FOR THE ESTABLISHMENT OF STATIONS FOR AGRICULTURAL EXPERIMENTS AND ANIMAL INDUSTRIES

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, being desirous to promote the development of agriculture in Central America and to stimulate agricultural production in their respective territories, have agreed to conclude a convention for the establishment of stations for agricultural experiments and animal industries and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America and the Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

Each of the contracting parties agrees to maintain in its territory a station for agricultural experiments and animal industries, with the object of determining the most efficacious method for the cultivation of national products; to ascertain whether it is possible to introduce new sources of production, thus increasing the national wealth; and to supply information on the foregoing matters to institutions or to private persons.

*English texts furnished by the Department of State.

For this purpose, the contracting parties agree to consider the employment of experts of other countries to direct or to assist in the management of said stations.

ARTICLE II

In order that all the Central American Republics may receive the benefits of the aforesaid stations, each of them agrees to supply the governments of the others with copies of all the publications or any other documents issued by said stations. The contracting parties likewise agree to allow the directors of their stations, or the experts who may be assisting in the management of the same, to visit whenever they may deem it advisable the other Central American Republics so that they may report on the practical results obtained in said stations.

ARTICLE III

The present convention shall take effect with respect to the parties that have ratified it from the date of its ratification by at least three of the signatory states.

ARTICLE IV

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention shall have the right to adhere to it while it is in force.

ARTICLE V

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE VI

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at

Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

CONVENTION RELATIVE TO THE PREPARATION OF PROJECTS OF ELECTORAL LEGISLATION

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, animated by the desire to guarantee to the best of their power the free exercise of suffrage, thereby eliminating all action which might be detrimental to public order, and believing that the benefits of popular suffrage cannot be obtained without the aid of appropriate laws which will render effective the use of such right by means of adequate guarantees, have agreed to conclude a convention relative to the preparation of projects of electoral legislation and, to that end, have named as their delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs, at Washington, have agreed to carry out the said proposal in the following manner:

ARTICLE I

Within thirty days following the ratification of the present convention, each of the contracting parties shall proceed to nominate a commission of two jurists. The commissions shall assemble in the city designated by the parties within two months subsequent to the period previously decided upon.

ARTICLE II

The commissions mentioned in the next preceding article, united in a committee of the whole, shall be charged with the study and preparation of a general project for an electoral law based on the principles stated in the preamble to the present convention, and in agreement with the legislation which has had the best practical results.

ARTICLE III

After the general project has been formulated, and whenever it becomes necessary, each of the national commissions, with the collaboration of the others, shall adapt the general project to the constitutional exigencies and special needs of its country.

ARTICLE IV

The projects thus prepared must be completed at the latest three months after the inauguration of the committee of the whole.

Each of the signatory governments obligates itself to consider as its own the project prepared by its commission in accordance with the terms of the next preceding article, and to submit it for the consideration of the legislative bodies in their next session as a project of law, unless the electoral law of its country embodies the fundamental principles of such project.

ARTICLE V

For the preparation of the general project it is recommended that the commission of jurists adopt, wherever possible, electoral systems which establish the identification of citizens by means of the compulsory possession of electoral cards, as well as rules for classification of political parties and for their just representation in the electoral boards and in the committees of electors or directors charged with receiving the votes and verifying the returns.

ARTICLE VI

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE VII

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting

states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE VIII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

CONVENTION FOR RECIPROCAL EXCHANGE OF CENTRAL AMERICAN STUDENTS

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, animated by the common desire of developing, as much as possible, the bonds of fraternal fellowship which bind the youths of Central America and facilitating the mutual acquaintance of said youths with the various countries and diverse institutions as organized in the signatory states, have agreed to conclude a convention for the reciprocal exchange of Central American students and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates from the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American powers assembled in the Conference on Central American Affairs, at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

Each of the contracting governments undertakes to place at the disposal of each of the others six scholarships in one or in several of the official educational institutions that it may have, giving preference to those where pedagogy, agriculture, mining, and arts and trades are taught.

The government that contracts this obligation will advise the other governments at which educational institution or institutions the scholarships will be granted.

ARTICLE II

Each government undertakes to make use of said scholarships. The support of the students chosen to make use of these scholarships, shall be for the account of the government which chose them.

ARTICLE III

Each government is at liberty to distribute said scholarships among men and women, as it should deem advisable.

ARTICLE IV

The contracting republics agree to accept the Normal School of Costa Rica, with its seat in the city of Heredia, in that republic, as the educational institution for scholarship students who take up pedagogy.

ARTICLE V

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE VI

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided

these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE VII

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE VIII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	FRANCISCO SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

EXTRADITION CONVENTION

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, desiring to confirm their friendly relations and to promote the cause of justice, have resolved to celebrate a convention for the extradition of fugitives from justice, and to that end have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of

America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

The contracting republics agree to deliver up reciprocally the individuals who may take refuge in the territory of one of them and who in the other may have been condemned, as authors, accomplices, or abettors of a crime, to not less than two years of deprivation of their liberty, or who may have been indicted for a crime which, in accordance with the laws of the country seeking the extradition, carries a penalty equal to or greater than that above stated.

ARTICLE II

Extradition shall not be granted in any of the following cases:

1. When the evidence of criminality presented by the country seeking extradition would not have been sufficient to justify, according to the laws of the place where the accused fugitive from justice is found, his apprehension and commitment for trial, if the offense had been committed there.

2. When the offense is of a political character, or, being a common crime, is connected therewith.

3. When under the laws of the country seeking extradition or of that of asylum, the action or the penalty has been barred.

4. If the accused demanded should have already been tried and sentenced for the same offense in the republic wherein he resides.

5. If the accused should have served the sentence which may have been imposed upon him for the same crime in any other country.

6. If in that country, the act for which extradition is asked, is not considered a crime.

7. When the penalty corresponding to the crime for which extradition is requested shall be that of death, unless the government seeking extradition binds itself to apply the next lower penalty.

ARTICLE III

The person whose extradition is conceded, because of one of the crimes mentioned in Article I, shall in no case be tried and punished in the country to which he is surrendered for a political crime committed before his extradition nor for an act which may have connection with a political crime. Attempts against the life of the head of a government or public functionaries

and anarchistic attacks shall not be considered political crimes, provided that the law of the country seeking extradition and of the country of which extradition is requested shall have fixed a penalty for said acts. In that case extradition shall be granted, even when the crime in question shall carry a penalty of less than two years of deprivation of liberty.

ARTICLE IV

The contracting parties shall not be obliged to deliver their nationals; but they must try them for the infractions of the penal code committed in any of the other republics. The respective governments must communicate the corresponding proceedings, information and documents, and deliver the articles which constitute the *corpus delicti*, furnishing everything that may contribute to the elucidation needed for the expedition of the trial. This having been done, the case shall be prosecuted until its determination, and the government of the country of the trial shall inform the other of the final result.

ARTICLE V

If the individual whose extradition is sought should have been indicted or should have been found guilty in the country of his asylum for a crime committed therein, he shall not be delivered except after having been acquitted by a final judgment, and in case of his conviction after he has served the sentence or has been pardoned.

ARTICLE VI

If the fugitive whose extradition is requested by one of the contracting parties should also be sought by one or more governments he shall be delivered in preference to the one first making the requisition.

ARTICLE VII

Request for the delivery of fugitives shall be made by the respective diplomatic agents of the contracting parties, and, in default of the latter, by consular officers.

In urgent cases the provisional detention of the accused may be requested by means of telegraphic or postal communication, addressed to the Ministry of Foreign Affairs, or through the respective diplomatic agent, or in his absence, through the consul. The provisional arrest shall be made according to the rules established by the laws of the country of which extradition is requested; but shall cease if the request for extradition has not been formally presented within the term of one month following the arrest.

ARTICLE VIII

The request for extradition shall specify the proof or presumptive evidence which, by the laws of the country wherein the crime has been committed, shall be sufficient to justify the apprehension and commitment of the accused. The judgment, indictment, warrant of arrest, or any other equiv-

alent document shall also accompany the same; and the nature and gravity of the acts charged and the provisions of the penal codes which are applicable thereto must be indicated. In case of flight after having been found guilty and before serving the entire sentence, the request for extradition shall express the circumstance and shall be accompanied only by the judgment.

Article IX

The proper authority shall apprehend the fugitive, in order that he may be brought before the competent judicial authority for examination. Should it be decided, according to the laws and the evidence presented, that the surrender can be carried out in conformity with this convention, the fugitive shall be delivered in the manner prescribed by law in such cases.

The country seeking extradition shall take the necessary measures to receive the accused within one month from the date when the latter shall have been placed at its disposal, and if said government should fail to do so, the aforesaid accused may be released.

Article X

The person delivered can not be tried nor punished in the country to which his extradition has been granted, nor delivered to a third country, for a crime not included in this convention, and committed before his surrender, unless the government which makes the surrender consents to the trial, or to the delivery to said third nation.

Nevertheless this consent shall not be necessary:

1. When the accused may voluntarily have requested that he be tried or delivered to the third nation;

2. When he may have been at liberty to leave the country for thirty days after his release, on the ground of the lack of foundation in the charge for which he was surrendered, or, in case of conviction, a term of thirty days after serving his sentence or obtaining a pardon.

Article XI

The expenses of arrest, maintenance, and travel of the extradited person, as well as of the delivery and transportation of the articles which, because of their connection with the crime, have to be returned or forwarded, shall be borne by the government seeking extradition.

Article XII

All the objects found in the possession of the accused and obtained through the commission of the act of which he is accused, or that may serve as evidence of the crime on account of which extradition is requested, shall be confiscated and delivered with his person upon order of competent authority of the country from which extradition is sought. Nevertheless the rights of

third parties concerning these articles shall be respected, and delivery thereof shall not be made until the question of ownership has been determined.

ARTICLE XIII

In all cases of detention the fugitive shall be acquainted within the term of twenty-four hours with the cause thereof, and notified that he may, within a period not to exceed three days counted from the one following that of the notification, oppose extradition, by alleging:

1. That he is not the person claimed;
2. Substantial defects in the documents presented; and
3. The inadmissibility of the request of extradition.

ARTICLE XIV

In cases where it is necessary to prove the facts alleged, evidence shall be taken, in full observance of the provisions of the law of procedure of the republic of which extradition is requested. The evidence having been produced, the matter shall be decided without further steps, within the period of ten days, and it shall be declared whether or not the extradition shall be granted. Against such a decision, and within three days following notification thereof, the legal remedies of the country of asylum may be invoked.

ARTICLE XV

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE XVI

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said contracting parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics bound thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention shall have the right to adhere to it while it is in force.

ARTICLE XVII

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government

of Costa Rica in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE XVIII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

ARTICLE XIX

The convention on extradition concluded by the same parties at the city of Washington the twentieth of December, nineteen hundred and seven, is hereby abrogated.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

CONVENTION FOR THE ESTABLISHMENT OF FREE TRADE

The Governments of Guatemala, El Salvador, Honduras, and Nicaragua, being convinced that the reciprocal interchange of natural products or manufactured articles originating in their republics would be a source of profit for all of them, and desiring further to develop their commerce, have concluded a convention for the establishment of free trade and, to that end, have named as their delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour, and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E.

Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegations of the signatory powers have agreed to carry out the said purpose in the following manner:

ARTICLE I

The importation and exportation through the custom houses of the signatory republics at the various ports or on the frontiers of articles grown or manufactured in said republics, shall be absolutely free of import and export duties and of municipal taxes or imposts of an eleemosynary nature.

Manufactured articles, in which the raw materials originating in the manufacturing or exporting country, do not form the greater percentage, shall not be included in this exemption.

ARTICLE II

Coffee and sugar are hereby excluded from the foregoing provision. The same exclusion shall also apply to those articles, whose sale in the contracting republics is now or may become in the future, a state monopoly, or unlawful.

ARTICLE III

In order that said products of the soil and manufactured articles of native origin may enjoy freedom of entry, as agreed upon, the interested party shall submit a certificate stating the origin of said article, issued by the mayor of the municipality or by the political authority of the place of origin, and authenticated by the consul, or in the absence of the latter, by the diplomatic agent of the country of destination, or in default of both, by the Minister for Foreign Affairs of the country from which the product is exported.

ARTICLE IV

Inasmuch as the delegation of Costa Rica has stated that it has instructions to abstain from signing any convention on free trade, the signatory republics would welcome the adhesion in the near future of the Republic of Costa Rica to the present convention. Should the Republic of Costa Rica decide to adhere, said republic shall be considered as one of the contracting parties to this convention by the mere notification to the Foreign Offices of the signatory republics of its adhesion thereto.

ARTICLE V

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE VI

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or

any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE VII

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Guatemala, in order that the latter may inform the other contracting states. If the Government of Guatemala should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE VIII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	SALVADOR CÓRDOVA
[L.S.]	MARCIAL PREM	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	EMILIANO CHAMORRO
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	ALBERTO UCLÉS	[L.S.]	MÁXIMO H. ZEPEDA

CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, for the purpose of efficaciously guaranteeing their rights and inalterably maintaining peace and harmony in their relations without being obliged to resort in any case to the employment of force, have agreed to conclude a convention for the establishment of an International Central American Tribunal and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates from the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said proposal in the following manner:

ARTICLE I

1. The contracting parties agree to submit to the International Tribunal established by the present convention all controversies or questions which now exist between them or which may hereafter arise, whatever their nature or origin, in the event that they have failed to reach an understanding through diplomatic channels, or have not accepted some other form of arbitration, or have not agreed to submit said questions or controversies to the decision of another tribunal. Nevertheless, the questions or controversies which affect the sovereign and independent existence of any of the signatory republics cannot be the object of arbitration or complaint.

2. The parties agree that the decision of the International Tribunal established by the present convention with regard to the questions submitted to it shall be regarded as final, irrevocable, without appeal, and binding upon the countries submitting disputes, should such decisions be rendered within the time stipulated in the protocol or in the rules of procedure applicable to the case as prescribed in Article XIX. The judgment of the International Tribunal established by the present convention shall be null and void, and any one of the parties, which may have an interest in the controversy may refuse to comply with it, in the following cases:

a. When the tribunal shall not have been organized in strict accordance with this convention.

b. When in summoning the parties before the Tribunal or in the presentation of evidence, the provisions of this convention or of the rules of procedure contained in Annexes A and B shall not have been observed.

3. The sentence of the Tribunal shall be null and void and open to revision.

when any of the arbitrators who have sat in judgment on the case fall within any of the disqualifications enumerated in Article XX.

4. The parties shall likewise have the right to demand the revision of the judgment on the ground of the discovery of a new fact calculated to exercise a decisive influence upon the award and one which was unknown to the Tribunal and to the party which demanded the revision at the time the discussion was closed.

ARTICLE II

The members of the Tribunal referred to in Article I shall be selected from a permanent list of thirty jurists composed as follows:

Each of the contracting parties shall designate six persons; of these six persons, four shall be nationals, and shall be designated by the President of the republic with the assent of the National Congress or of the Senate, if such exist; the other two shall be chosen by the aforementioned President of the republic, one from each of the lists submitted by the Government of the United States of America and by that of the respective Latin American nation, as provided in Article III. The names of the persons designated by the contracting parties shall be communicated to the Ministry of Foreign Affairs of Honduras by the government which names them. The Ministry of Foreign Affairs of Honduras shall transmit the complete list to each of the signatory republics.

Each alteration which may be made in the list of jurists shall be communicated by the respective government to the Ministry of Foreign Affairs of Honduras and by this to the contracting parties, and to the governments which may have presented the lists of candidates.

The term of service of the members of the permanent list of jurists shall be five years, to be counted from the date when their appointment shall have been communicated to the Ministry of Foreign Affairs of Honduras by the respective government. They may be reelected, and they shall not be removed except when they cease to meet the conditions required by Articles IV and V. The changes which may occur in the permanent list of jurists by the expiration of the term of service or for any other cause, shall not prevent the arbitrators who may be forming part of a Tribunal from continuing to discharge their functions in the specific case submitted to them for their consideration until said case shall have been decided.

ARTICLE III

The contracting parties shall request the Government of the United States of America to submit to them a list of fifteen jurists for the purposes stated in Article II. For this same object each of the contracting parties shall request the government of the Latin American Republic which each may choose, with the exception of those of Central America, to submit to it another list of five jurists of the nationality of said Latin American Government. These lists shall be submitted to all the contracting parties,

and each Ministry of Foreign Affairs shall communicate to the Minister for Foreign Affairs of Honduras the names of the jurists chosen by his government. None of the jurists proposed in the said lists may be nominated by more than one of the contracting parties, and in the event that one of them should be selected by two or more of said parties, preference shall be given to the prior nomination. In such a case the Ministry of Foreign Affairs of Honduras shall inform the respective governments which appointment is valid and which government or governments should make a new appointment. When the Government of Honduras shall have received notification of the nominations made by all the contracting parties and shall in its turn have made its appointments, said Government shall directly so advise the same contracting parties, as well as the governments which have submitted the lists.

ARTICLE IV

The four national members of the permanent list of jurists nominated by each republic shall meet the qualifications required by the laws of each country to be judge of the supreme court, and they shall enjoy the highest reputation, both for their moral qualities and for their professional ability.

ARTICLE V

The jurists included in the lists referred to in Article III shall meet any one of the following requirements:

They must be or have been heads of states, cabinet ministers, members of the highest court of justice in their country, or ambassadors or ministers plenipotentiary, provided they are not or have never been accredited to any of the Central American Governments, or members of some international court of arbitration, or permanent international court, or representatives of their government before such courts.

The list presented by the Government of the United States of America may contain also the names of counsel who are entitled to practice before the Supreme Court of the United States, and of professors of international law.

All of the above-mentioned jurists, as well as those named by each country, shall be persons of the highest reputation, both for their moral qualities and for their professional competency.

ARTICLE VI

The office of diplomatic representative to one of the republics of Central America shall be incompatible with that of arbitrator, provided said representative is not a citizen of one of the other Central American Republics. Said disability shall not apply to any other public office whatsoever.

All members of the permanent list shall enjoy the rank, privileges and immunities of ministers plenipotentiary in the contracting republics, but

only from the date of their designation to membership on the Tribunal established by this convention and until one month after the termination of the sessions of said Tribunal.

ARTICLE VII

Whenever, in conformity with the provisions of Article I, it should become necessary to convene the Tribunal instituted by this convention to take cognizance of any dispute or disputes which one or more of the contracting parties may wish to submit to its decision, the following procedure shall be pursued:

a. The contracting party, which may desire to have recourse to the Tribunal, shall advise the party or parties with which it proposes to enter into litigation, so that within sixty days following the date when they may have received this notification they should proceed to sign a protocol in which the subject of the disputes or controversies shall be clearly set forth. The protocol shall likewise state the date upon which the arbitrators must be appointed, and the place where they shall meet, the special powers which may be given to the Tribunal, and any other conditions upon which the parties may agree.

b. After the protocol shall have been signed, each party to the controversy shall select an arbitrator from the permanent lists of jurists, but it shall not name any of the jurists whom said party may have included in the aforementioned list. Another arbitrator shall be selected at will and by common accord, by the interested governments; should the said governments fail to agree on the selection, the third arbitrator shall be chosen by the arbitrators already appointed. If said arbitrators should also fail to agree, the afore-mentioned third arbitrator shall be designated by lot, to be drawn by the arbitrators already appointed. Save in the case of agreement among the interested governments, the third arbitrator shall be chosen from the jurists, on the list referred to in Article II, who have not been included in said list by any of the interested parties. Whenever the third arbitrator should be chosen by lot, he shall be of a different nationality than that of either of the other two.

Whenever two or more powers in litigation should have a common interest in the controversy, they shall be considered as constituting a single party in the matter for the purposes of the organization of the Tribunal.

ARTICLE VIII

Any of the contracting parties which may believe exhausted the other methods of agreement or adjustment referred to in Article I, for the settlement of any disputes which it may have pending with one or more of the same contracting parties, shall so inform said party or parties, to the end that within sixty days following the date on which the latter shall have received this notification the respective protocol may be signed. If within this period of time said protocol shall not have been signed, owing to lack of

common accord or some other reason, then the same contracting party may request the organization of the Tribunal to which this convention refers, in the following manner:

It shall notify the other party or parties of its intention, communicating to them at the same time the name of the arbitrator it has appointed and the place where it desires the Tribunal to sit. The parties notified, in their turn, shall appoint their arbitrator within thirty days following the receipt of this notification. Should they fail to do so, the appointment shall be made by lot, at the request of the party seeking the organization of the Tribunal, by any of the Presidents of the contracting republics, who are not interested in the dispute, within thirty days subsequent to the date upon which the request was received and from among the jurists included in the permanent list, who would be eligible for appointment by the party itself, if it were to make such appointment.

If fifteen days after the appointment of the arbitrators by each of the parties in litigation, the said parties shall not have agreed upon the place in which the arbitration is to be held, nor upon the manner of drawing lots to determine said place, as provided for by Article XII, then such drawing of lots shall be conducted by any of the Presidents of the Central American Republics not interested in the controversy within fifteen days subsequent to the expiration of the above mentioned fifteen days upon the request of any of the litigant parties and in the presence of representatives of the litigant parties, should such representatives have been appointed by them.

The two arbitrators shall meet thirty days after the receipt of notice of the last appointment, if both arbitrators reside in Central America, and sixty days after the receipt of said notice, if either of them resides in another country. If fifteen days after the expiration of these periods the interested governments have not agreed on the selection of the third arbitrator, the two appointees shall make said selection within the next eight days and if no agreement is reached within this period, they shall proceed within the next three days to the drawing of lots provided in Article VII.

The third arbitrator shall proceed to the seat of the Tribunal within periods of time equal in duration to those fixed in this article for the attendance of the other arbitrators, to be counted, however, from the date upon which he may have received notification of his appointment by one of the parties.

No two arbitrators of the same nationality may sit upon the Tribunal and none of the parties may elect an arbitrator who shall have been included by it in the permanent list of jurists.

ARTICLE IX

Each of the parties shall have the right to challenge not more than two of those persons who may be designated by lot to discharge the office of third arbitrator in the cases of Articles VII and VIII.

ARTICLE X

In all cases mentioned in Articles VII and VIII, the third arbitrator shall always be the president of the Tribunal.

ARTICLE XI

After the Tribunal shall have been organized in the manner prescribed in Article VIII, the interested party shall present a complaint which should include all the points of fact and of law relating to the case. The Tribunal shall communicate, without loss of time, a copy of the complaint to the government or governments against whom the complaint may have been brought, and it shall invite them to present their allegations and evidence within the period of time fixed by the Rules of Procedure (Annex B.).

ARTICLE XII

The Tribunal shall sit at the place agreed on by the parties in litigation, and if no agreement should be reached thereon, it shall sit at the capital of any of the Central American Republics which may have no interest in the controversy. The selection of said capital shall be made by lot drawn by the interested parties. In the case of failure to reach an agreement in the aforesaid drawing of lots, the procedure prescribed in Article VIII shall be followed.

Whenever it judges that circumstances make it necessary the tribunal shall have the power to order its removal to another locality outside of the territorial limits of the parties in litigation.

ARTICLE XIII

Within the limitations laid down in Article I, the Tribunal shall be empowered to determine its competency by interpreting the treaties and conventions relative to the matter in controversy and applying the principles of international law.

ARTICLE XIV

Every decision of the Tribunal shall be rendered by a majority of votes.

ARTICLE XV

Failure to attend on the part of any of the three arbitrators within the stated periods of time shall be deemed sufficient cause for his substitution. If he is one of those appointed by one of the parties, the successor must reach the seat of arbitration not later than thirty days after his appointment. If he is the third arbitrator, the period will be sixty days.

If after the Tribunal is organized any of the arbitrators should fail to appear because of death, resignation or any other cause, his successor shall be appointed in the same manner provided for in this convention, and he shall proceed to take his place in the Tribunal within the same periods of time aforementioned.

ARTICLE XVI

The parties to the dispute shall likewise have the right, after the Tribunal has been organized in conformity with Article VIII, and before one of them has filed its complaint, to intrust to the Tribunal, by common accord, the drawing up of a protocol defining clearly the question or questions at issue. If disagreement among the parties should prevent the negotiation of the protocol, any of them shall have the right to file complaint immediately, in accordance with Article XI.

ARTICLE XVII

Whenever, in the judgment of one of the parties to the controversy, the question or questions at issue affect the material interests of one or more of the signatory republics, which are not parties to said controversy, the latter shall not participate in the appointment or in the selection by lot of the arbitrators, nor of the seat of the Tribunal, and none of the persons included by said republic or republics in the permanent list of jurists, who may be nationals thereof, shall be a member of this Tribunal. Moreover, said republic or republics shall not be chosen as the seat of the afore-mentioned Tribunal.

ARTICLE XVIII

The parties in litigation may be represented before the court of arbitration by agents, as they may desire, but the members of the permanent list of jurists shall not appear as counsel or representatives of any party before the Tribunal organized by this convention except in defense of the interests of the nation which may have included them in said permanent list.

ARTICLE XIX

The rules of arbitration procedure laid down in Articles 63 to 84, both inclusive, of the Convention for the Pacific Settlement of International Disputes signed at The Hague, October eighteenth, nineteen hundred and seven, are hereby appended as Annex A to this convention, and, unless the litigants by common accord should decide otherwise, said rules shall apply in all the cases of arbitration comprised in Article VII of the present convention.

In the case of complaint contemplated in Article XI, the rules of procedure of the Tribunal shall be those which appear as Annex B to this same convention.

The revision of the sentence of the tribunal, on the ground of the discovery of a new fact, may be requested, in a case of arbitration, in conformity with the rules laid down in Annex A, and, in a case of complaint in accordance with the rules of the same Tribunal, Annex B.

The silence of the parties in the drafting of the protocol of arbitration does not imply the renunciation of the right of recourse to revision in the cases provided in this convention. In the event of said silence or of failure to have fixed the period of time to request the revision allowed in paragraphs

three and four of Article I of this convention, the period fixed in the rules of procedure (Annex B) for a case of complaint shall be deemed applicable.

ARTICLE XX

Members of the Tribunal are barred from the exercise of their functions in any matters in which they may have material interest or in relation to which they may have appeared in any capacity before a national tribunal, a tribunal of arbitration or of any other character, or before a commission of inquiry. This disability shall apply also whenever said members have acted in the aforementioned matters as counsel or agents of any of the parties, or have rendered a professional opinion.

ARTICLE XXI

From the moment when, in conformity with the provisions of Article VIII, a complaint has been lodged against one or more of the contracting parties, the Tribunal shall have the right to determine, at the request of any of the parties, the status in which the litigants must remain, to avoid an aggravation of the dispute, and to maintain the case in *statu quo* until the final award is pronounced. For this purpose, the said Tribunal shall have the right, if it should deem it necessary, to make any investigations, to order examinations by experts, to conduct personal inspections and to receive any evidence.

ARTICLE XXII

The reports of the commissions of inquiry, established by the convention signed on this date, shall be considered by the Tribunal as part of the evidence, unless new evidence to the contrary should be offered to said Tribunal and it should be proved to the satisfaction of the Tribunal that said new evidence had not been taken into consideration by the commission of inquiry at the time they submitted their report.

ARTICLE XXIII

The minimum honorarium of each of the arbitrators shall be one thousand dollars American gold per month, from the time he accepts the call to become a member of the Tribunal until one month after the termination of his functions. He shall also be entitled to reimbursement for travelling expenses.

Each litigant Power shall pay the honorarium of its own arbitrator and half of the honorarium of the third arbitrator, and half of the general expenses of the Tribunal, without prejudice to the right of said Tribunal to order in its final sentence that one of the parties pay all the honoraria and costs, or to apportion them in some other manner.

Any of the litigant Powers may furnish the share of costs and honoraria which correspond to one or to several of the other Powers. In this case, if said Power or Powers should fail to reimburse said sum within thirty days

after the Tribunal, at the request of the interested party, shall have requested them to do so, they shall not be heard until they have made said payment, and this action shall not delay the course of the trial nor its decision.

ARTICLE XXIV

All the decisions of the Tribunal shall be communicated to the governments of the five contracting republics. The interested parties hereby undertake to abide by said decisions and to give them the necessary moral support in order that they may be duly enforced, thus constituting a real and positive guaranty that this convention and the tribunal herein established shall be respected.

ARTICLE XXV

The Tribunal herein established shall be competent to decide those international questions which any of the Central American governments and the government of a foreign nation may agree to submit to it by a special convention. The fact that it may be agreed in the respective protocol that the arbitrator nominated by the foreign party may be chosen at will does not prevent the application of the clauses of the present convention in other respects.

ARTICLE XXVI

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE XXVII

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE XXVIII

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting

states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE XXIX

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

ANNEX A

RULES OF PROCEDURE REFERRED TO IN PARAGRAPH ONE OF ARTICLE XIX OF THE CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL

ARTICLE 63. As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the Tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the special agreement.

The time fixed by the special agreement may be extended by mutual agreement by the parties, or by the Tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the Tribunal of the arguments of the parties.

ARTICLE 64. A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE 65. Unless special circumstances arise, the Tribunal does not meet until the pleadings are closed.

ARTICLE 66. The discussions are under the control of the president. They are public only if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by

the president. These minutes are signed by the president and by one of the secretaries and alone have an authentic character.

ARTICLE 67. After the close of the pleadings, the Tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE 68. The Tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these papers or documents, but it is obliged to make them known to the opposite party.

ARTICLE 69. The Tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the Tribunal takes note of it.

ARTICLE 70. The agents and the counsel of the parties are authorized to present orally to the Tribunal all the arguments they may consider expedient in defense of their case.

ARTICLE 71. They are entitled to raise objections and points. The decisions of the Tribunal on these points are final and cannot form the subject of any subsequent discussion.

ARTICLE 72. The members of the Tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the Tribunal in the course of the discussions can be regarded as an expression of opinion by the Tribunal in general or by its members in particular.

ARTICLE 73. The Tribunal is authorized to declare its competence in interpreting the special agreement, as well as the other treaties which may be involved, and in applying the principles of law.

ARTICLE 74. The Tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75. The parties undertake to supply the Tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76. For all notices which the Tribunal has to serve in the territory of a third contracting Power, the Tribunal shall apply directly to the government of that Power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the Power applied to allow under its municipal law. They cannot be rejected unless the Power in question considers them calculated to impair its own sovereign rights or its safety.

The court will equally be always entitled to act through the power in whose territory it sits.

ARTICLE 77. When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the president shall declare the discussion closed.

ARTICLE 78. The Tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the Tribunal.

ARTICLE 79. The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.

ARTICLE 80. The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81. The award, duly pronounced and notified to the agents of the parties, settles the dispute definitely and without appeal.

ARTICLE 82. Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the Tribunal which pronounced it.

ARTICLE 83. The parties can reserve in the special agreement the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and one which was unknown to the Tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The special agreement shall determine the period within which the demand for revision must be made.

ARTICLE 84. The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which Powers other than those in dispute are parties, they shall inform all the signatory Powers in good time. Each of these Powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ANNEX B

RULES OF PROCEDURE REFERRED TO IN PARAGRAPH TWO OF ARTICLE XIX OF THE CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL

CHAPTER I

PROCEDURE PREVIOUS TO THE COMPLAINT

ARTICLE 1. The interested party or parties desiring to have recourse to the International Central American Tribunal in the exercise of the power conferred upon them by Article VIII of the convention, may request the organization of said court by applying directly or through their diplomatic or consular agents to the Minister for Foreign Affairs of the other party.

The same procedure shall be followed when a party has to apply to another state in compliance with said convention for the execution of any judicial proceeding or for the drawing of lots.

ARTICLE 2. The president appointed to draw the lots provided for by Article VIII of the convention shall do so in the presence of the Minister for Foreign Affairs and another member of his cabinet, after having previously invited the special agents of the litigant parties, should said parties have appointed them, and the diplomatic agents of the other countries of Central America, should any be accredited to said government, in order that all these may attend if they so desire.

ARTICLE 3. The President of the Republic shall notify through the proper channels all the parties interested in the dispute, of the result of each and every drawing.

He shall also notify the appointed arbitrators of the appointment made by the party or parties which may have requested the negotiation of the protocol, and of the result of each of the drawings effected, so that they may proceed to meet within the fixed period of time.

ARTICLE 4. Each arbitrator appointed shall take an oath administered by the President of the Central American Republic at whose capital the Tribunal may sit, faithfully and duly to fulfill his duties.

ARTICLE 5. The Tribunal shall appoint, from outside of its membership, a recording secretary, who shall be a lawyer and take an oath administered by the president of the said Tribunal. The Tribunal shall have the power also to appoint such additional personnel as it may deem fit.

CHAPTER II

THE COMPLAINT AND ITS PROCEDURE

ARTICLE 6. The interested party or parties shall file their complaint within a term of fifteen days from the date on which the Tribunal may have notified them of its inauguration.

ARTICLE 7. Once the complaint has been admitted by the Tribunal a copy of the same shall be sent to the defendant, with the request that it file its answer within a term of sixty days.

ARTICLE 8. The defendant government may file demurrers during the first half of the term fixed to make answer. A hearing on the demurrers shall be granted to the plaintiff within the following ten days. The Tribunal shall render its decision on the demurrers within the twenty days after the expiration of said term unless it should deem it proper to extend the time for the presentation of evidence.

No demurrer filed after the expiration of the aforesaid term can determine any incident requiring a previous finding, but shall be reserved for consideration in the final decision in the case.

ARTICLE 9. If the demurrers are sustained, the ruling of the court to this effect shall imply an impossibility to proceed further on the complaint, until the irregularities or errors objected to are corrected within the time fixed in the sentence itself; this done, the Tribunal shall proceed with the complaint referring it again to the defendant; all this without prejudice to the provisions of Article XXI of the convention.

ARTICLE 10. If at the expiration of the period fixed in Article VIII, no answer to the complaint should have been made nor demurrers filed in due time, the Tribunal shall grant to the aforesaid party or parties a new term of twenty days to make answer. The same procedure shall be followed in the case of the additional extension of time, provided for in Article 9. In both cases, at the expiration of twenty days, a day and hour shall be set for a hearing of the final arguments of the parties, and upon the end of the latter term, the oral discussion shall be deemed closed and the Tribunal shall issue an order declaring the case under advisement pending judgment. But should time have been granted for the introduction of evidence, in conformity with the chapter on Evidence, the Tribunal shall not issue the aforesaid declaratory order until after the expiration of this time.

ARTICLE 11. The parties may plead orally or in writing before the Tribunal on the day of the hearing without prejudices to their right to submit arguments in writing at any other time.

ARTICLE 12. When both parties should appear to argue during the hearing in court of the case, each of them shall be entitled to address the Tribunal three times, alternatively, and the plaintiff shall have the opening. If several parties plaintiff or defendant should appear in court at the hearing, all shall be allowed to address the Tribunal in the alternative order established, and the president shall assign its turn to each of the parties.

ARTICLE 13. The vote on the sentence shall be taken in conformity with a questionnaire which the president shall formulate and submit to the approval of the Tribunal, wherein reference shall be made to all controverted questions of fact and of law, as disclosed by the records.

The vote shall be taken on what the resolutive part of the decision must

be, and shall be recorded in a proceeding which shall state the hour and date of the voting, and be signed by the arbitrators and the secretary. The decision shall be written by the president of the Tribunal in accordance with said vote and in conformity with the formalities and requirements established in Article 39 of these Rules of Procedure.

ARTICLE 14. If, in any pleading which shall not contain a petition or application necessary for the exercise of the action or defense, there should be expressions or phrases of disrespect or insulting remarks against the Tribunal or its members, or against any of the litigants, or against the states and their public authorities, the Tribunal shall order the secretary to return the original to its author with a note at the foot thereof stating that it is irregular.

If any pleading shall contain a petition or application meriting attention, the Tribunal shall point out the objectionable words or phrases and order the secretary to notify the petitioner or applicant to replace the pleading within a period of twenty-four hours omitting the objectionable part; and should he fail to do so, the pleading shall be returned to him, retaining for its legal effects a certified copy only of such part of its contents as is not objectionable.

ARTICLE 15. If the offences indicated be committed during the oral arguments, the president of the Tribunal shall interrupt the pleader, calling his attention to the matter, and should he repeat the offence, he shall be denied the right to speak and be invited to address the Tribunal in writing.

ARTICLE 16. The Tribunal shall not admit any complaint which may contravene the provisions of Article I of this convention.

ARTICLE 17. No complaint shall be entertained which fails to state the facts that constitute the question or questions in dispute and the legal grounds upon which the complainant bases his case.

ARTICLE 18. Claim for damages shall not be deemed included in the complaint when the latter shall not expressly contain it; but the omission of such claim does not imply a renunciation of the corresponding right.

ARTICLE 19. Claims or disputes which do not necessarily follow from the principal action, or which do not involve a dispute over the rights of third parties, or the settlement of which may require a special complaint, shall not be accepted as incidental questions.

ARTICLE 20. The right of the contending parties to request the measures authorized by Article 21 of the convention shall be recognized only in consequence of a claim or controversy which is not contrary to the provisions of Article 16 of these Rules of Procedure.

ARTICLE 21. All claims which the plaintiff may present against the defendant shall be consolidated in a single action, provided that they are not so inconsistent that the enforcement of one will impair the enforcement of the other.

Consolidated actions shall be taken up together and determined in a single decision.

ARTICLE 22. After an action has been passed upon and decided by the Tribunal, no new claim referring thereto shall be admissible which is presented by the same party, founded on the same facts and circumstances, and directed towards the same purpose.

CHAPTER III

EVIDENCE

ARTICLE 23. The plaintiff shall present, together with the libel that initiates the action, the evidence upon which he shall base his claim, and the defendant shall do the same upon answering the declaration. Both shall also have the right to present their proof within the regular period for the submission of evidence, which shall be sixty days and which shall not be denied when requested by one of the parties.

ARTICLE 24. Only upon petition of a party shall the Tribunal have power to fix a special period for the introduction of evidence and in order that, in such a case, the procedure shall be deemed proper, there must concur the following requisites:

1. That the petition shall express its nature and object, and at the same time state the reason why such justification was omitted in the petition of complaint, or in the answer or during the regular period provided for the introduction of evidence.

2. That if it shall consist of private documents or public instruments, their character and contents shall be mentioned, and in case the party does not as yet possess them, the archives wherein they are shall be specified.

3. That, if it shall consist of testimony of witnesses or experts already given, the name, nationality, residence and other qualifications of the witnesses or experts, as well as the facts that appear from their depositions or opinions, shall be stated, and if it shall consist of information as yet to be obtained, that, together with the name, residence and other personal data, shall be stated, besides the interrogatories or corresponding questions.

4. That the evidence shall be relevant and of undoubted importance for the decision, in the judgment of the Tribunal.

5. That the petition shall be made before the announcement decree of the Tribunal declaring that the case is in the stage of decision.

6. That the said evidence could not have been produced with the complaint or the answer, or during the regular period, either because the facts to which it refers or the acts in which it consists have been produced afterwards, or because it was involuntarily or excusably omitted in the judgment of the Tribunal.

ARTICLE 25. Every petition for the appointment of a special term to introduce evidence shall be decided upon within ten days during which

time the opposite party may be heard, and if the requisites of the next preceding article have been complied with, and the Tribunal deems it proper to grant the said term, it shall do so, ordering for such a purpose a prudential term not longer than ninety days, which shall include the period for obtaining said evidence.

If, upon the granting of said term, the party who has obtained it, shall amplify his petition, the new evidence shall be subject to the aforesaid qualifications, with an equal hearing to the opposite party; but the term fixed for the introducing of evidence shall not be extended.

ARTICLE 26. The special term fixed by the Tribunal for the introduction of evidence according to the next preceding article, shall not be granted more than once, it cannot be extended, and evidence not brought forth during the said term shall be deemed as abandoned.

ARTICLE 27. The special and the regular terms fixed for introducing evidence are common to all the parties to the suit. The evidence which may be offered or introduced by the party who has not requested the said terms shall be subject to the formalities and reservations established in the three next preceding articles.

ARTICLE 28. The Tribunal shall not decree, *ex officio*, any proof upon questions, facts or circumstances which the parties shall not have stated or alleged in the complaint or answer thereto.

ARTICLE 29. In the proceedings for the taking of evidence, decreed *ex officio*, the parties shall not have any more intervention than that which the Tribunal may allow them; the proceedings do not imply the fixing of a given period, and must be executed without prejudice to the course of the terms prescribed by these Rules of Procedure.

ARTICLE 30. For the taking of evidence, the Tribunal shall address itself, when necessary, to the governments and courts of justice of the Republics of Central America through the medium of the Ministry for Foreign Affairs, or the secretary's office of the supreme court of justice in the respective country, in accordance with the character of the commission to be executed.

ARTICLE 31. In like manner the Tribunal may appoint special commissions to carry out a proceeding of investigation, in accordance with the next preceding article, when deemed advisable. In this case, if such proceedings should be carried out in Central America, the respective order and appointment shall be communicated to the government of the Central American state, wherein it must be executed, which shall insure the fulfillment of the orders of the Tribunal, by extending all the necessary assistance for the prompt and effective execution thereof.

ARTICLE 32. The Tribunal shall consider the facts to which the controversy refers with absolute freedom of judgment, and the questions of law upon which it may depend according to the treaties and the principles of law.

CHAPTER IV

JUDICIAL RESOLUTIONS

ARTICLE 33. The resolutions of the Tribunal are:

1. Sentences, if they finally decide the question in controversy, or, if upon an incident, they put an end to the litigation by making its prosecution impossible.

2. Decrees (*autos*), if their object is to decide an incidental question.

3. Orders (*providencias*), if they refer to questions of mere procedure.

ARTICLE 34. All judicial resolutions shall be headed by the name of the Tribunal; they shall state the place, the hour, the day, the month and the year in which they are issued, and must be signed by all the arbitrators and by the secretary.

ARTICLE 35. If an arbitrator who has participated in a decision refuses to sign the resolution or should he die or for any cause should he be incapacitated or rendered unable to sign, the secretary shall write at the foot of said resolution an explanatory reason of the defect, and that will cure the same for all legal purposes.

ARTICLE 36. The orders shall be issued within a period of three days following petition therefor, if any such petition should be made; and the decrees shall be issued within five days after the conclusion of the proceedings on the incident save in the cases which may be specially excepted.

The sentence shall be voted upon and pronounced within the thirty days following the date on which the trial shall have been declared in stage of decision.

ARTICLE 37. Upon final judgment having been rendered by the Tribunal the parties and the five Central American Republics shall be so notified. Once this is done all the documents bearing on the case shall be kept in the archives of the capital of the republic in which the judgment shall have been rendered.

ARTICLE 38. The orders shall express clearly the act or proceeding which they may decree, with citation of the articles of these Rules of Procedure upon which they may be founded.

ARTICLE 39. The decrees shall express the findings and considerations upon which they proceed relative to such points of fact and points of law as they decide.

The sentences shall be pronounced in conformity with Articles VIII and XIV of the Convention for the establishment of the International Central American Tribunal, and with Articles 13 and 34 of these rules of procedure, and shall contain the following requisites:

1. They shall express who the contending parties are, stating the names and qualifications of their counsel or representatives, and the object of the litigation.

2. In separate paragraphs, which shall begin with the words *It Results* or

Resulting, the claims of the parties and the facts upon which they are founded shall be stated clearly and as briefly as possible, provided that they are related to the questions which are to be decided.

3. The points of fact and of law constituting the controversy shall be set forth also in separate paragraphs, headed by the word *Considering:* the juridical reasons and grounds which shall be deemed as controlling the decision, and the laws, international treaties and principles of law applicable to the case, shall also be cited.

4. Lastly, the resolutive part of the decision shall be pronounced.

ARTICLE 40. Before its notification to any of the parties, the Tribunal, *ex officio*, may either wholly or in part, modify the sentence which has been voted and pronounced, by a new decision which shall be delivered with the formalities and requisites set forth in the next preceding article, and in which the defect or error committed in the consideration of the facts or the application of the laws or principles of law relating to the case shall be expressed.

To proceed to such a modification, it is indispensable that the Tribunal previously agrees to the revision, upon request of one of the arbitrators, stating the grounds for the same.

ARTICLE 41. The Tribunal, *ex officio*, may modify, wholly, or in part, its own decrees and orders before notification, if it shall judge that there has been some error in the issuance of the same. After said notification, the Tribunal may modify said order or decree upon the petition of any of the parties, filed within the five days following.

In any case, the decree of modification shall specifically state the error upon which it is grounded.

ARTICLE 42. After the time specified in the next preceding article, the Tribunal, *ex officio*, may decree the said modification, expressing always the error or errors which may justify the amendment.

ARTICLE 43. Whenever the said modification must necessarily affect any further proceedings subsequent to the decree or order which is modified, the case shall be ordered to be restored to the same state in which it was at the time of issuing the said proceedings.

ARTICLE 44. The right of the parties to request the interpretation of a decision must be exercised within thirty days following the last notification.

CHAPTER V

JUDICIAL FORMALITIES

ARTICLE 45. There shall be no abbreviations employed in any judicial paper or document; dates and numbers shall be written in words, and no error shall be erased, no interlineation shall be inserted, and no amendments shall be made by changing the writing, but every error must be rectified by a note at the foot of the said paper or document.

ARTICLE 46. The petitioner shall accompany every plea which shall

be filed in the case, including the declaration and answer, as well as all documents constituting the evidence presented in the controversy, with as many literal copies, signed by said party, as there may be litigants, to whom they shall be delivered at the time of notification or hearing, or immediately, if such procedure shall not be in order.

The secretary shall certify as to the presentation and correctness of said copies and in case of inaccuracy he shall point out the difference.

Should the interested party or parties fail to comply with this requisite, the Tribunal shall order that copies thereof be sent to said party or parties, at their own expense.

ARTICLE 47. The files (*expedientes*) and documents annexed thereto shall not be delivered to the parties for the purpose of notification or upon any other excuse whatsoever, but they may examine the same in the office under the supervision of the secretary.

ARTICLE 48. The parties have the right to request certified copies of all papers constituting the files but they may exercise that right only once for each of the said papers.

ARTICLE 49. All pleas must be filed with the secretary of the Tribunal by the counsel or legal representative of the interested party, unless the signature which authorizes it shall be duly authenticated.

Provided, however, that the governments may always address their petitions through their foreign office, or through their diplomatic representatives.

CHAPTER VI

NOTICES

ARTICLE 50. All judicial resolutions shall be notified to the parties, unless they have expressly or impliedly renounced the right to such notice.

ARTICLE 51. No resolution shall be effective against the parties to the controversy unless they are in fact or constructively notified in accordance with the provisions of this chapter.

ARTICLE 52. The resolutions having character of sentences shall be communicated in every case to the five Governments of Central America.

ARTICLE 53. The judicial decree by which an action is declared to be admitted and whereby it is notified to the defendant, in order that he may answer the same, shall be communicated to the respective Ministers for Foreign Affairs, in a note accompanied by a literal copy of the libel, setting forth the complaint, the evidence presented and the resolution taken.

Said communication, upon previous telegraphic notice, if possible, in which an extract of the libel shall be given, shall be sent by registered mail, and the notification shall be deemed as made as soon as the defendant's government acknowledges receipt of the postal dispatch, and in any case after thirty days from the date in which, according to the record in the post

office, the notice has been mailed, unless it be clearly shown that the notification was in fact made subsequently.

ARTICLE 54. The orders which the Tribunal shall issue, according to the provisions of Article XXI of the convention, to establish the situation in which the contending parties must remain while the final decision is pronounced shall be communicated immediately by the most rapid means to the interested parties, and also to the other Central American Governments.

ARTICLE 55. The complainant in the libel or declaration, and the defendant in his first plea, shall designate a person or a public office in the place where the Tribunal has its seat to receive any notifications not included in Article 53; and when, according to the provisions in Article XII of the convention, the Tribunal may temporarily change its seat, it shall decree that the Parties, within a period of ten days, not to be extended, dating from its change of seat, shall make in said place a new designation of a person or office to receive the notifications.

ARTICLE 56. If in either of the two cases provided for in the next preceding article, the litigants should abstain from making the designation therein prescribed, they shall be deemed as having waived the right to receive any notification whatsoever, and the orders shall be effective as against the delinquent party or parties only during the period of forty-eight hours after they shall be issued.

ARTICLE 57. All notifications shall be made by the secretary of the Tribunal and included in the record upon return made, which must express the day, hour, place and circumstances attending the service of said notification, and which shall be signed by said functionary and the person notified or the person who shall receive the notification.

In case these shall refuse to sign or be incapacitated from so doing, the fact shall be mentioned in the record.

When the party shall appear in person at the office, or when the secretary shall find him, he shall notify him, reading to him the whole of the order in question.

In all other cases, the notification shall be made by means of a warrant which shall be delivered to the designated person or to any employee in the office chosen for the purpose. In case the party who must receive the warrant shall not be found in his domicile, or in case the office indicated shall not be open, the warrant shall be sent by registered mail to said person, or to the chief or secretary of the office, which will be equivalent to a legal compliance with the act of notification.

ARTICLE 58. Every warrant of notification shall express the nature and object of the litigation; shall designate the Parties to the same, shall contain, in the proper case, an extract of the petition or plea to which the resolution may refer, and shall include a literal copy of the ruling part of the same.

CHAPTER VII

CHALLENGES

ARTICLE 59. The power to challenge belongs exclusively to the contending parties and can only be exercised with respect to the action entered and admitted or to the incidental questions to which the debate on the same shall give rise.

ARTICLE 60. The arbitrators are not subject to be challenged during the prosecution of the suit, but in cases of nullity of sentence established in section three of Article I, the revision shall be conducted as provided in the following chapter.

ARTICLE 61. The grounds of disqualification established for judges in Article XX of the convention shall constitute grounds for challenging the secretary. The Tribunal shall decide said challenge after examining the facts and questioning the officer challenged.

During the proceedings on the incident, and until the new secretary is appointed to fill the vacancy, the secretary shall be replaced in the trial by such officer as the Tribunal may designate.

ARTICLE 62. Experts may also be challenged on the same grounds prescribed in the next preceding article for the secretary.

The challenge of an expert shall be made within the three days following notice of the ruling in which the expert opinion in question is declared to have been submitted, in cases relating to the evidence submitted with the complaint or answer or the ruling making the appointment, in cases relating to evidence to be submitted in the course of the trial, according to the provisions of these Rules of Procedure.

The challenge shall be argued and passed upon in the form provided for the challenge of the secretary in the next preceding article.

CHAPTER VIII

REVISION

ARTICLE 63. Final judgment having been rendered, the parties may petition the Tribunal for its revision on the ground of nullity provided for in the third paragraph of Article I of the convention.

In such case, the party requesting the revision shall address the petition to the member or members of the Tribunal not challenged by said party, and shall state to them in specific form, the grounds of the alleged nullity. Upon receipt of such notification and the statement of said charges, the judge or judges not challenged shall effect the replacement of the judge or judges challenged in the same manner in which they had been appointed.

ARTICLE 64. As soon as the Tribunal is constituted in the form prescribed in the next preceding article and the petition having been submitted, the Tribunal shall thereupon order the parties to the suit to appear in court

within a period of thirty days from the filing of the petition and plead their case. After the expiration of this term, whether or not the parties have availed themselves of the extension of time, the Tribunal, after adopting such measures as it may deem fit, shall affirm or modify the decree or render a new one within a period of sixty days which shall not be subject to extension, and which shall be reckoned from the expiration of the thirty days aforementioned.

ARTICLE 65. In no case shall the right of revision be exercised after the expiration of ninety days from the date of the last notice of the final decision sought to be revised.

If application for revision is made subsequent to that period of time, it shall be absolutely denied.

ARTICLE 66. In order to allow a revision it shall be indispensable that the sum of twenty-five thousand dollars be enclosed with the petition for revision.

In case the judgment is not affirmed, this sum shall be returned. However, if the judgment is affirmed, the said sum shall be paid to the other party as compensation for damages.

ARTICLE 67. When the judgment is affirmed, the petitioner shall pay the costs of the suit and shall forfeit the amount deposited.

ARTICLE 68. The judgment rendered on revision shall be final and not subject to review.

ARTICLE 69. In case the petition for revision is based on the grounds provided in the fourth paragraph of Article I of the convention, the Tribunal shall proceed as provided for in this chapter, except that no arbitrator shall be replaced, and that the complaint shall be filed with the Tribunal itself.

Supplementary Article

The word convention when used without any qualification in these rules refers in all cases to the Convention for the establishment of an International Central American Tribunal, signed on this date, and of which these rules are an annex.

PROTOCOL OF AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF GUATEMALA, EL SALVADOR, HONDURAS, NICARAGUA AND COSTA RICA, WHEREBY THE FORMER WILL DESIGNATE FIFTEEN OF ITS CITIZENS TO SERVE IN THE TRIBUNAL WHICH MAY BE CREATED IN CONFORMITY WITH THE TERMS OF THE CONVENTION ESTABLISHING AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL

I

The Governments of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica have communicated to the Government of the United States of America the convention signed by them on this date for the establishment of

an International Central American Tribunal, and at the same time have requested the Government of the United States to cooperate with them for the realization of the purposes of said convention in the manner indicated therein.

II

The Government of the United States of America herewith expresses its full sympathy and accord with the purposes of the aforementioned convention, and desires to state that it will gladly cooperate with the Governments of the Central American Republics in the realization of said purposes. With this end in view, the Government of the United States of America will designate fifteen of its citizens who meet the necessary requirements and may serve in the Tribunals that will be created in conformity with the terms of said convention.

Washington, February seventh, nineteen hundred and twenty-three.

[L.S.] CHARLES E. HUGHES
[L.S.] SUMNER WELLES
[L.S.] F. SÁNCHEZ LATOUR
[L.S.] MARCIAL PREM
[L.S.] F. MARTÍNEZ SUÁREZ
[L.S.] J. GUSTAVO GUERRERO
[L.S.] ALBERTO UCLÉS
[L.S.] SALVADOR CÓRDOVA
[L.S.] RAÚL TOLEDO LÓPEZ
[L.S.] EMILIANO CHAMORRO
[L.S.] ADOLFO CÁRDENAS
[L.S.] MÁXIMO H. ZEPEDA
[L.S.] ALFREDO GONZÁLEZ
[L.S.] J. RAFAEL OREAMUNO

ADDITIONAL PROTOCOL TO THE CONVENTION RELATIVE TO THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL

On the occasion of signing the above-mentioned Convention relative to the establishment of an International Central American Tribunal the undersigned have agreed to declare, with reference to paragraph 2 of Article 63 of Annex A of said convention, that the presentation of the facts and documents called for in the case to be submitted to said Tribunal, can only be effected directly, without recourse to the International Office to which reference is made in said paragraph and article.

In testimony whereof they sign the present protocol, which shall be considered as an integral part of the convention referred to.

Washington, February seventh, nineteen hundred and twenty-three.

[L.S.] F. SÁNCHEZ LATOUR
[L.S.] MARCIAL PREM
[L.S.] F. MARTÍNEZ SUÁREZ
[L.S.] J. GUSTAVO GUERRERO
[L.S.] ALBERTO UCLÉS
[L.S.] SALVADOR CÓRDOVA
[L.S.] RAÚL TOLEDO LÓPEZ
[L.S.] EMILIANO CHAMORRO
[L.S.] ADOLFO CÁRDENAS
[L.S.] MÁXIMO H. ZEPEDA
[L.S.] ALFREDO GONZÁLEZ
[L.S.] J. RAFAEL OREAMUNO

CONVENTION FOR THE ESTABLISHMENT OF INTERNATIONAL COMMISSIONS OF INQUIRY

The Government of the United States of America and the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, desiring to unify and recast in one single convention, the conventions which the Government of the United States concluded with the Government of Guatemala on September 20, 1913, with the Government of El Salvador on August 7, 1913, with the Government of Honduras on November 3, 1913, with the Government of Nicaragua on December 17, 1913, and with the Government of Costa Rica on February 13, 1914, all relating to the establishment of international commissions of inquiry, have for that purpose, named as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA: The Honorable Charles E. Hughes, Secretary of State of the United States of America; The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA: Señor Don Francisco Sánchez Latour, Envoy Extraordinary and Minister Plenipotentiary to the United States of America.

THE PRESIDENT OF THE REPUBLIC OF EL SALVADOR: Señor Doctor Don Francisco Martínez Suárez, President of the Supreme Court; Señor Doctor Don J. Gustavo Guerrero, Envoy Extraordinary and Minister Plenipotentiary to Italy and Spain.

THE PRESIDENT OF THE REPUBLIC OF HONDURAS: Señor Doctor Don Alberto Uclés, Ex-Minister for Foreign Affairs; Señor Doctor Don Salvador Córdova, Ex-Minister President in El Salvador; Señor Don Raúl Toledo López, Chargé d'Affaires in France.

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA: Señor General Don Emiliano Chamorro, Ex-President of the Republic and Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Señor Don Adolfo Cárdenas, Minister of Finance; Señor Doctor Don Máximo H. Zépeda, Ex-Minister for Foreign Affairs.

THE PRESIDENT OF THE REPUBLIC OF COSTA RICA: Señor Licenciado Don Alfredo González Flores, Ex-President of the Republic; Señor Licenciado Don J. Rafael Oreamuno, Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who, after having exhibited to one another their respective full powers which were found to be in good and proper form, have agreed upon the following articles:

ARTICLE I

When two or more of the contracting parties shall have failed to adjust satisfactorily through diplomatic channels a controversy originating in some divergence or difference of opinion regarding questions of fact, relative to

failure to comply with the provisions of any of the treaties or conventions existing between them and which affect neither the sovereign and independent existence of any of the signatory republics, nor their honor or vital interests, the parties bind themselves to institute a commission of inquiry with the object of facilitating the settlement of the dispute by means of an impartial inquiry into the facts.

This obligation ceases if the parties in dispute should agree by common accord to submit the question to arbitration or to the decision of another tribunal.

A commission of inquiry shall not be formed except at the request of one of the parties directly interested in the investigation of the facts which it is sought to elucidate.

ARTICLE II

Once the case contemplated in the preceding article has arisen, the parties shall by common accord draw up a protocol in which shall be stated the question or questions of fact which it is desired to elucidate.

When, in the judgment of one of the interested governments, it has been impossible to reach an agreement upon the terms of the protocol, the commission will proceed with the investigation, taking as a basis the diplomatic correspondence upon the matter, which has passed between the parties.

ARTICLE III

Within the period of thirty days subsequent to the date on which the exchange of ratifications of the present treaty has been completed, each of the parties which have ratified it shall proceed to nominate five of its nationals, to form a permanent list of commissioners. The governments shall have the right to change their respective nominations whenever they should deem it advisable, notifying the other contracting parties.

ARTICLE IV

When the formation of a commission of inquiry may be in order, each of the parties directly interested in the dispute shall be represented on the commission by one of its nationals, selected from the permanent list. The commissioners selected by the parties shall by common accord, choose a president who shall be one of the persons included in the permanent list by any of the governments which has no interest in the dispute.

In default of said common agreement, the president shall be designated by lot, but in this case each of the parties shall have the right to challenge no more than two of the persons selected in the drawing.

Whenever there shall be more than two governments, directly interested in a dispute and the interests of two or more of them be identical, the government or governments, which may be parties to the dispute, shall have the right to increase the number of their commissioners from among the members of the permanent list nominated by said government or govern-

ments, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the commission.

In case of a tie, the president of the commission shall have two votes.

If for any reason any one of the members appointed to form the commission should fail to appear, the procedure for his replacement shall be the same as that followed for his appointment. While they may be members of a commission of inquiry, the commissioners shall enjoy the immunities which the laws of the country, where the commission meets, may confer on members of the National Congress.

The diplomatic representatives of any of the contracting parties accredited to any of the governments which may have an interest in the questions which it is desired to elucidate, shall not be members of a commission.

ARTICLE V

The commission shall be empowered to examine all the facts, antecedents, and circumstances relating to the question or questions which may be the object of the investigation, and when it renders its report it shall elucidate said facts, antecedents, and circumstances and shall have the right to recommend any solutions or adjustments which, in its opinion, may be pertinent, just and advisable.

ARTICLE VI

The findings of the commission will be considered as reports upon the disputes, which were the objects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE VII

In the case of arbitration or complaint before the Tribunal created by a convention signed by the five Republics of Central America, on the same date as this convention, the reports of the commission of inquiry may be presented as evidence by any of the litigant parties.

ARTICLE VIII

The commission of inquiry shall meet on the day and in the place designated in the respective protocol and failing this, in the place to be determined by the same commission, and once installed it shall have the right to go to any localities which it shall deem proper for the discharge of its duties. The contracting parties pledge themselves to place at the disposal of the commission, or of its agents, all the means and facilities necessary for the fulfilment of its mission.

ARTICLE IX

The signatory governments grant to all the commissions which may be constituted the power to summon and swear in witnesses and to receive evidence and testimony.

ARTICLE X

During the investigation the parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE XI

All members of the commission shall take oath before the highest judicial authority of the place where it may meet, duly and faithfully to discharge their duties.

ARTICLE XII

The inquiry shall be conducted so that both parties must be heard. Consequently, the commission shall notify each party of the statements of fact submitted by the other, and shall fix periods of time in which to receive evidence.

Once the parties are notified, the commission shall proceed to the investigation, even though they fail to appear.

ARTICLE XIII

As soon as the commission of inquiry is organized, it shall, at the request of any of the parties to the dispute, have the right to fix the status in which the parties must remain, in order that the conditions may not be aggravated and matters may remain in the same state pending the rendering of the report by the commission.

ARTICLE XIV

The report of the commission shall be published within three months, to be reckoned from the date of its inauguration unless the parties directly interested decrease or increase the time by mutual consent.

The report shall be signed by all the members of the commission. Should one or more of them refuse to sign it, note shall be taken of the fact, and the report shall always be valid provided it obtains a majority vote.

In every case the vote of the minority, if any, shall be published with the report of the commission.

One copy of the report of the commission and of the vote of the minority, if any, shall be sent to each of the Ministries of Foreign Affairs of the contracting parties.

ARTICLE XV

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

The president of the commission shall receive a monthly compensation of not less than 500 dollars, American gold, in addition to his travelling expenses.

ARTICLE XVI

The present convention, signed in one original, shall be deposited with the Government of the United States of America, which government shall fur-

nish to each of the other signatory governments an authenticated copy thereof. It shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the executive and legislative powers of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, in conformity with their constitutions and laws.

The ratifications shall be deposited with the Government of the United States of America, which will furnish to each of the other Governments an authenticated copy of the *procès verbal* of the deposit of ratification. It shall take effect for the parties which ratify it immediately after the day on which at least three of the contracting governments deposit their ratifications with the Government of the United States of America. It will continue in force for a period of ten years, and shall remain in force thereafter for a period of twelve months from the date on which any one of the contracting governments shall have given notification to the others, in proper form, of its desire to denounce it.

The denunciation of this convention by one or more of the said contracting parties shall leave it in force for the parties which have ratified it but have not denounced it, provided that these be no less than three in number. Should any Central American States bound by this convention form a single political entity, this convention shall be considered in force as between the new entity and the contracting republics, which may have remained separate, provided that these be no less than two in number. Any of the signatory republics, which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

In witness whereof the above-named plenipotentiaries have signed the present convention and affixed thereto their respective seals.

Done at the city of Washington, the seventh day of February, one thousand nine hundred and twenty-three.

[L.S.] CHARLES E. HUGHES
[L.S.] SUMNER WELLES
[L.S.] F. SÁNCHEZ LATOUR
[L.S.] F. MARTÍNEZ SUÁREZ
[L.S.] J. GUSTAVO GUERRERO
[L.S.] ALBERTO UCLÉS
[L.S.] SALVADOR CÓRDOVA
[L.S.] RAÚL TOLEDO LÓPEZ
[L.S.] EMILIANO CHAMORRO
[L.S.] ADOLFO CÁRDENAS
[L.S.] MÁXIMO H. ZEPEDA
[L.S.] ALFREDO GONZÁLEZ
[L.S.] J. RAFAEL OREAMUNO

CONVENTION ON THE PRACTICE OF THE LIBERAL PROFESSIONS

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, desiring to aid the citizens of the various republics in the practice of the liberal professions in each of their respective territories, have agreed to conclude a convention for that purpose and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martinez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the Conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

Central Americans who have acquired a professional degree in any of the contracting republics shall have the right to practice their profession freely within the territory of the others in accordance with their respective laws, without other requirements than those of presenting their respective degree or diploma duly certified, of proving, in case of necessity, their personal identity and of obtaining a permit from the executive power where the law so requires.

This measure is also applicable to degrees acquired by Central Americans outside of the Central American Republics when the recognition of the validity of said degrees has been granted by any of them, but if the aforesaid recognition is granted after the signing of the present convention, it will be necessary to have said degrees verified by examination, in order to obtain the benefit of the measure.

In like manner shall validity attach to the scientific studies pursued in the public universities, professional schools, and schools of secondary education of any one of the contracting countries, provided that the documents which accredit such studies have been authenticated, and the identity of the person proved.

ARTICLE II

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE III

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE IV

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE V

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

CONVENTION FOR THE LIMITATION OF ARMAMENTS

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica having signed on this date a general treaty of peace and amity, and it being their desire and interest that in the future their military policy should be guided only by the exigencies of internal order, have agreed to conclude the present convention, and to that end have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo Gonzáles Flores and Señor Licenciado J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates from the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said proposal in the following manner:

ARTICLE I

The contracting parties having taken into consideration their relative population, area, extent of frontiers and various other factors of military importance, agree that for a period of five years from the date of the coming into force of the present convention, they shall not maintain a standing army and national guard in excess of the number of men hereinafter provided, except in case of civil war, or impending invasion by another state.

Guatemala	5,200
El Salvador	4,200
Honduras	2,500
Nicaragua	2,500
Costa Rica	2,000

General officers and officers of a lower rank of the standing army, who are necessary in accordance with the military regulations of each country, are not included in the provisions of this article, nor are those of the national guard. The police force is also not included.

ARTICLE II

As the first duty of armed forces of the Central American Governments is to preserve public order, each of the contracting parties obligates itself to establish a national guard to cooperate with the existing armies in the preservation of order in the various districts of the country and on the frontiers, and shall immediately consider the best means for establishing it. With this end

in view the Governments of the Central American States shall give consideration to the employment of suitable instructors, in order to take advantage, in this manner, of experience acquired in other countries in organizing such corps.

In no case shall the total combined force of the army and of the national guard exceed the maximum limit fixed in the preceding article, except in the cases therein provided.

ARTICLE III

The contracting parties undertake not to export or permit the exportation of arms or munitions or any other kind of military stores from one Central American country to another.

ARTICLE IV

None of the contracting parties shall have the right to possess more than ten war aircraft. Neither may any of them acquire war vessels; but armed coast guard boats shall not be considered as war vessels.

The following cases shall be considered as exceptions to this article: civil war or threatened attack by a foreign state; in such cases the right of defense shall have no other limitations than those established by existing treaties.

ARTICLE V

The contracting parties consider that the use in warfare of asphyxiating gases, poisons, or similar substances as well as analogous liquids, materials or devices, is contrary to humanitarian principles and to international law, and obligate themselves by the present convention not to use said substances in time of war.

ARTICLE VI

Six months after the coming into force of the present convention each of the contracting governments shall submit to the other Central American Governments a complete report on the measures adopted by said government for the execution of this convention. Similar reports shall be submitted semi-annually, during the aforesaid period of the five years. The reports shall include the units of the army, if any, and of the national guard; and any other information which the parties shall sanction.

ARTICLE VII

The present convention shall take effect, with respect to the parties that have ratified it, from the date of its ratification by at least four of the signatory states.

ARTICLE VIII

The present convention shall remain in force until the first of January, one thousand nine hundred and twenty-nine, notwithstanding any prior denunciation, or any other cause. After the first of January, one thousand nine

hundred and twenty-nine, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by any of said parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be not less than four in number. Any of the republics of Central America which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE IX

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE X

The original copy of the present convention, signed by all of the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

GENERAL TREATY OF PEACE AND AMITY

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, being desirous of continuing the general friendly relations which have existed between them, and of creating the most solid basis for peaceful conditions in Central America, have seen fit to conclude a general treaty of peace and amity and for that purpose have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour, and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez, and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova, and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas, and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores, and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, the Honorable Charles E. Hughes, Secretary of State of the United States of America, and the Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

The Republics of Central America consider as the first of their duties, in their mutual relations, the maintenance of peace; and they bind themselves always to observe the most complete harmony and to decide any differences or difficulties that may arise amongst them, in conformity with the conventions which they have signed on this date for the establishment of an International Central American Tribunal and for the establishment of international commissions of inquiry.

ARTICLE II

Desiring to make secure in the Republics of Central America the benefits which are derived from the maintenance of free institutions and to contribute at the same time toward strengthening their stability and the prestige with which they should be surrounded, they declare that every act, disposition or measure which alters the constitutional organization in any of them is to be deemed a menace to the peace of said republics, whether it proceed from any public power or from the private citizens.

Consequently, the governments of the contracting parties will not recognize any other government which may come into power in any of the five republics through a *coup d'etat* or a revolution against a recognized government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country. And even in such a case they obligate themselves not to acknowledge the recognition if any of the persons elected as President, Vice-President or Chief of State designate should fall under any of the following heads:

1) If he should be the leader or one of the leaders of a *coup d'etat* or revolution, or through blood relationship or marriage, be an ascendant or descendant or brother of such leader or leaders.

2) If he should have been a Secretary of State or should have held some

high military command during the accomplishment of the *coup d'etat*, the revolution, or while the election was being carried on, or if he should have held this office or command within the six months preceding the *coup d'etat*, revolution, or the election.

Furthermore, in no case shall recognition be accorded to a government which arises from election to power of a citizen expressly and unquestionably disqualified by the Constitution of his country as eligible to election as President, Vice-President or Chief of State designate.

Article III

The contracting parties obligate themselves to appoint to each of the others diplomatic or consular representatives.

Article IV

In case of civil war no government of Central America shall intervene in favor of or against the government of the country where the conflict takes place.

Article V

The contracting parties obligate themselves to maintain in their respective Constitutions the principle of non-reelection to the office of President and Vice-President of the Republic; and those of the contracting parties whose Constitutions permit such reelection, obligate themselves to introduce a constitutional reform to this effect in their next legislative session after the ratification of the present treaty.

Article VI

The nationals of one of the contracting parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by citizens of the respective country. They shall be considered as citizens in the country of their residence, if they manifest their desire to be such and meet the duly prescribed legal requirements.

Those who are not naturalized shall at all times be exempt from all military service and they shall not be admitted into said military service without the previous consent of their government, except in case of international war with a country other than one of the Central American Republics. Furthermore, they shall be exempt from every compulsory loan or military requisition and they shall not be obliged for any reason to pay higher taxes or assessments, ordinary or extraordinary, than those paid by nationals.

Article VII

Citizens of the signatory countries who reside in the territory of the others shall enjoy the right of literary, artistic or industrial property, in the same manner and subject to the same requirements as native born citizens.

ARTICLE VIII

The merchant ships of each of the signatory countries shall be regarded, when in the seas, along the coasts or in the ports of each of the others, in like manner as are the ships of such country; they shall enjoy the same exemptions, immunities and concessions as the latter, and shall not pay other dues nor be subject to further taxes than those established for the vessels of the country in question.

ARTICLE IX

The governments of the contracting republics bind themselves to respect the inviolability of the right of asylum aboard the merchant vessels of whatsoever nationality anchored in their waters. Only persons accused of common law crimes can be taken from said vessels, by order of a competent judge and after due legal procedure. Fugitives from justice accused of political crimes or of common law crimes of a political nature can in no case be removed from the vessel.

ARTICLE X

The diplomatic and consular agents of the contracting republics in foreign countries shall afford to the persons, vessels and other property of the citizens of any one of them the same protection as to the persons, ships and other property of their compatriots, without demanding for their services other or higher charges than those usually made with respect to their own nationals.

ARTICLE XI

There shall be a complete and regular exchange of every class of official publication between the contracting parties.

ARTICLE XII

Public instruments executed in one of the contracting republics shall be valid in the others, provided they shall have been properly authenticated and in their execution the laws of the republic whence they issue shall have been observed.

ARTICLE XIII

The judicial authorities of the contracting republics shall carry out the judicial commissions and warrants in civil, commercial or criminal matters, with regard to citations, interrogatories and other acts of procedure of judicial function; an exception shall be made in the case of judicial commissions and warrants in criminal matters, if the act provoking them does not constitute a crime in the country requested to execute said judicial commissions and warrants.

Other judicial acts in civil or commercial matters, arising out of a personal suit, shall have in the territory of any one of the contracting parties equal force with those of the local tribunals and shall be executed in the same manner, provided always that they shall first have been declared executory

by the supreme tribunal of the republic wherein they are to be executed, which shall be done if they meet the essential requirements of their respective legislation and they shall be carried out in accordance with the laws in force in each country for the execution of judgments.

ARTICLE XIV

Each of the Governments of the Republics of Central America, in the desire to maintain a permanent peace, agree not to intervene, under any circumstances, directly or indirectly, in the internal political affairs of any other Central American Republic; furthermore, not to permit any person, whether a national, Central American or foreigner, to organize or foment revolutionary activities within its territory against a recognized government of any other Central American Republic. None of the contracting governments will permit the persons under its jurisdiction to organize armed expeditions or to take part in any hostilities which may arise in a neighboring country, or to furnish money or war supplies to the contending parties; the contracting governments bind themselves to adopt and dictate any effective measures, compatible with the political constitution of their countries, that may be necessary to avoid the occurrence of acts of this nature within their territory.

Immediately after this treaty is ratified, the contracting governments obligate themselves to present to their respective congresses such projects of law as may be necessary for the due fulfilment of this article.

ARTICLE XV

The contracting parties obligate themselves not to conclude with each other from any motive whatever, secret pacts, conventions or agreements, and in virtue of this obligation every pact, convention or agreement concluded between two or more of the contracting parties shall be published in the official gazette of each one of the interested governments.

ARTICLE XVI

Inasmuch as the provisions of the treaties signed in the various Central American Conferences by the five contracting states have been incorporated or duly modified in this treaty, it is declared that all said treaties shall be without effect and abrogated by the present treaty, when it shall have been finally approved and ratified.

ARTICLE XVII

The present treaty shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE XVIII

The present treaty shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other

cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this treaty by one or two of said contracting parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this treaty form a single political entity, the same treaty shall be in force as between the new entity and the republics bound thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America which should fail to ratify this treaty shall have the right to adhere to it while it is in force.

ARTICLE XIX

The exchange of ratifications of the present treaty shall be made through communications addressed by the governments to the Government of Costa Rica in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the treaty, notice of said ratification shall also be communicated to the others.

ARTICLE XX

The original of the present treaty, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

CONVENTION FOR THE ESTABLISHMENT OF PERMANENT CENTRAL AMERICAN COMMISSIONS

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, recognizing that they have in common many economic and social problems which not only are of vital importance to the individual states but which profoundly affect their relations with one another; with the object of drawing closer together the Central American Republics and improving the condition of their people, have agreed to conclude a convention for the establishment of permanent Central American commissions and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Don Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs, at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

For the purposes set forth in the preamble, the contracting parties agree to constitute permanent national commissions which shall study the above-mentioned problems and report practical plans for the realization of economic reforms and construction of means of communication.

ARTICLE II

It is agreed that there shall be in each state two national permanent commissions; one on finance and the other on means of communication.

Furthermore, by mutual agreement, the parties shall have the right to appoint other commissions whenever they may deem it advisable.

The appointment of the experts who shall compose said commissions shall be made by the contracting parties not later than one month after this convention has been in force for each one of the parties.

ARTICLE III

It shall be the special duty of the permanent national commissions on finance to study and formulate plans dealing with the following subjects:

1. The revision of customs tariffs in order to promote commerce, to lower the cost of living for the laboring people and to prepare the ultimate unification of the customs tariffs for the establishment of free trade between the Central American Republics.

2. The adoption of currency reforms in those countries where such reforms are necessary, with the object of establishing such a relation between the currencies of the various Central American countries that the currency of each country shall always have a stable and definite gold value and may be acceptable in the territory of the other Central American countries at a fixed ratio to the national currency.

3. The adoption of banking reforms.

4. The revision of the fiscal systems according to a scientific plan for the distribution of taxes on a scale of higher social justice.

5. The study of the agrarian problem with particular reference to the acquisition of uncultivated land.

6. The study of efficient systems relative to the control of expenditures and of public accounting, with the object of placing the credit of each country, at home and abroad, on so sound a basis that the foreign capital necessary for the development of Central America's economic resources may be obtained on advantageous terms.

ARTICLE IV

It shall be the special duty of the permanent national commissions on means of communication to study the following problems:

1. The elaboration of a plan to establish railroad communication between the capitals of the five republics.

In studying this matter the commissions will consider the selection of routes which may be of commerical advantage, as well as the terms which might be granted to individuals or corporations who may undertake the construction of the railway lines.

2. The elaboration of plans for constructing automobile roads to connect the capitals and important centers of production in each country with those of the other Central American countries.

3. The study of the laws of each country and of the international action which may be necessary to facilitate the construction and use of the roads and railroads connecting one country with another.

ARTICLE V

The permanent national commissions on means of communication shall refer to the respective financial commissions the plans and surveys, which may have been drawn up in accordance with the next preceding article, together with the detailed budget for the work, so that said commissions on finance may formulate their financial projects for the realization of these works.

ARTICLE VI

Each permanent national commission shall be composed of two members appointed by the President of the respective republic. The appointees

must be persons of known competency in the matters relating to their investigation.

ARTICLE VII

The permanent national commissions on finance as well as those on means of communication shall hold general meetings on the fifteenth day of September of each year, the first meeting to take place at San José de Costa Rica following the ratification of this convention, by three or more of the contracting republics.

The succeeding general meetings shall take place successively and in alphabetical order in each of the capitals of the Central American Republics.

ARTICLE VIII

The members of each of the permanent national commissions shall receive from their respective governments the honoraria which each government may assign to them and, in addition thereto, the actual and necessary expenses incurred during the time that the general meeting aforementioned is in session.

ARTICLE IX

In their first general meeting the members of the permanent national commissions on finance shall designate a permanent secretary general by a majority vote. The members of the national commissions on means of communication shall make a similar designation. The two secretaries general thus nominated shall have their respective permanent offices in the capital of Costa Rica.

It shall be the duty of the secretaries general to supervise the preparation and publication of the reports of the general meetings and to formulate measures whereby said reports may be duly communicated to each of the permanent national commissions. It is also the duty of the permanent secretaries general to prepare the program of each annual general meeting, in accordance with the suggestions of the national commissions. The commissions shall indicate in their first annual general meeting the other obligations of their respective secretary and the qualifications to be possessed by the persons who are to fill these positions.

Each state shall contribute the sum of two thousand dollars annually towards the maintenance of the general secretaryships. The governments of the contracting republics obligate themselves to enter in their ordinary and extraordinary budgets said sum of two thousand dollars, which they shall remit quarterly in advance to the secretary general of the permanent national commissions on finance, who, in this case shall perform the functions of the general treasurer.

ARTICLE X

The primary object of the annual general meetings of the permanent national commissions shall be to formulate and recommend plans for re-

form and constructive work in those branches of public administration with which the commissions are concerned. In these general meetings the questions shall be discussed from a Central American, and not from a sectional viewpoint and each permanent national commission shall discuss from this point of view the problems entrusted to it. At the general meetings a review shall also be made of the progress attained during the preceding year in carrying out the recommendations adopted at the general meeting of the preceding year. In like manner, they shall proceed to formulate definite and detailed recommendations for additional reforms in constructive work, which shall be communicated to each interested government by its own permanent national commissions, and they shall be given careful consideration and wherever possible shall be adopted by the authorities of each country.

ARTICLE XI

In each of the countries, the members of the permanent national commission shall be assisted by advisory committees which, together with said commissioners, shall constitute national sections of the permanent national commissions. The advisory committees shall be appointed by the President of the republic at the nomination of the commissioners, and shall consist of as many members as the latter may deem necessary.

It shall be the duty of the national sections to prepare data and plans for the use of the commissioners, who are to take part in the general annual meetings of the national permanent commissions; to report to their government in regard to the recommendations adopted in said meetings and cooperate with it in the putting into effect of said recommendations.

ARTICLE XII

Each of the permanent national sections shall hold regular meetings once a month, and, in addition, such special meetings as any of the commissioners may convene. At the regular October meeting the commissioners shall report to the section on conclusions and recommendations adopted at the general meeting held during the preceding month of September, and they shall propose plans for the work of the section during the coming year. At the August meeting the work accomplished since the last meeting shall be discussed and the data and plans prepared by the members of the commission during the year shall be reviewed, in order that the commissioners may submit a report on behalf of the section at the annual general meeting.

ARTICLE XIII

Either in accordance with a resolution adopted by the general meeting of the permanent national commissions, or on their own initiative, the national sections of one or more countries may, with the consent of their respective governments, contract for the services of Central American or foreign experts, who shall be entrusted with the particular investigations which can not

be accomplished by the members of the commission. The honoraria and expenses of these experts shall be borne by the governments concerned.

ARTICLE XIV

The present convention shall take effect with respect to the parties that have ratified it, from the date of its ratification by at least three of the signatory states.

ARTICLE XV

The present convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the parties bound thereby notifies the others of its intention to denounce it. The denunciation of this convention by one or two of said obligated parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three states bound by this convention form a single political entity, the same convention shall be in force as between the new entity and the republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the republics of Central America, which should fail to ratify this convention, shall have the right to adhere to it while it is in force.

ARTICLE XVI

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica, in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE XVII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly authenticated shall be sent by the secretary-general of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.] F. SÁNCHEZ LATOUR
[L.S.] MARCIAL PREM
[L.S.] F. MARTÍNEZ SUÁREZ
[L.S.] J. GUSTAVO GUERRERO
[L.S.] ALBERTO UCLÉS
[L.S.] SALVADOR CÓRDOVA
[L.S.] RAÚL TOLEDO LÓPEZ
[L.S.] EMILIANO CHAMORRO
[L.S.] ADOLFO CÁRDENAS
[L.S.] MÁXIMO H. ZEPEDA
[L.S.] ALFREDO GONZÁLEZ
[L.S.] J. RAFAEL OREAMUNO

CONVENTION FOR THE UNIFICATION OF PROTECTIVE LAWS FOR WORKMEN AND LABORERS

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, desiring to ameliorate the conditions of workmen and laborers, have agreed to conclude a convention for the unification of protective laws for workmen and laborers and, to that end, have named as delegates:

GUATEMALA: Their Excellencies Señor Francisco Sánchez Latour and Señor Licenciado Don Marcial Prem.

EL SALVADOR: Their Excellencies Señor Doctor Don Francisco Martínez Suárez and Señor Doctor Don J. Gustavo Guerrero.

HONDURAS: Their Excellencies Señor Doctor Don Alberto Uclés, Señor Doctor Don Salvador Córdova and Señor Don Raúl Toledo López.

NICARAGUA: Their Excellencies Señor General Don Emiliano Chamorro, Señor Don Adolfo Cárdenas and Señor Doctor Don Máximo H. Zepeda.

COSTA RICA: Their Excellencies Señor Licenciado Don Alfredo González Flores and Señor Licenciado Don J. Rafael Oreamuno.

By virtue of the invitation sent to the Government of the United States of America by the Governments of the five Central American Republics, there were present at the deliberations of the conference, as delegates of the Government of the United States of America, The Honorable Charles E. Hughes, Secretary of State of the United States of America, and The Honorable Sumner Welles, Envoy Extraordinary and Minister Plenipotentiary.

After having communicated to one another their respective full powers, which were found to be in due form, the delegates of the five Central American Powers assembled in the Conference on Central American Affairs, at Washington, have agreed to carry out the said purpose in the following manner:

ARTICLE I

Six months from the entrance into force of the present convention, there shall be prohibited within the territory of the contracting countries, if not already prohibited, without need of new legislation, the following:

1. Direct or indirect judicial personal compulsion for the involuntary performance of a special task, except in case of war or disturbance of the public peace, earthquake, fire or any other catastrophes or perils calling for the urgent cooperation of the people in order to prevent loss of life or avoid other serious disasters.

2. Direct or indirect judicial personal compulsion to involuntary performance of labor contracts or to require the reimbursement of advance payments made to laborers.

3. Employment in any kind of labor during school hours of children of either sex, under fifteen years of age, who have not completed the common school education prescribed by the laws of each country.

4. Employment in factories or industrial establishments of children of either sex under twelve years of age. Work in manual training schools is excepted.

5. To require women of any age and males under the age of fifteen years to work between the hours of seven p. m. and five a. m. With respect to women over the age of fifteen years, the law may provide exceptions as to occupations appropriate for their sex, which because of their nature require them to work after closing hours. Such exceptions are to be specified.

6. To sell or distribute alcoholic beverages during election day and two days preceding elections as well as on Sundays and holidays.

7. To carry on trade in commercial establishments on Sundays. The sale of medicine and foodstuffs is excepted.

8. To work in shops or factories other than hairdressing establishments on Sunday. The following classes of work are excepted:

a. The work of bakers and other work for the preparation of food, which because of its nature cannot be postponed.

b. Work, due to accidental causes which may be necessary to prevent loss.

c. Such work as may be necessary in order that there may be no interruption of public utilities such as railroads and other means of transportation, maintenance of public lighting and water supply, etc.

The law may in like manner establish exceptions in favor of certain industries which on account of their nature require continuous labor, but subject to the limitations provided by Article II.

9. To bargain individually or collectively with groups of workmen and laborers of one of the signatory countries of this convention for their employment in another country, whether signatory or not, without previous agreement between the two countries to determine the conditions to which said workmen and laborers will be subjected. The law of each country shall regulate the basis of this agreement and until regulations are adopted by the respective countries, it shall be understood, as an indispensable condition, that the expenses incident to the repatriation of each workman or laborer shall be guaranteed.

Article II

Within eighteen months from the entrance into force of the present convention, each of the contracting countries shall enact such laws as it deems convenient to secure to workmen and laborers one day of rest every week, in those cases in which work on Sundays is not prohibited by the preceding article.

In case exceptions are provided by law in favor of such industries which require continuous work, the regulations to which this article refers shall be included in the law which provides the exceptions.

Article III

The violation of the restrictions contained in Article I shall be punished in each of said countries by the penalty imposed by its own laws.

ARTICLE IV

Within eighteen months from the entrance into force of this convention, each of the contracting republics shall enact laws for the following purposes:

1. To establish compulsory insurance, with premiums paid by the employers and workmen or laborers, or by the employers only; or to guarantee in any other manner to workmen and laborers and to their families means of support in the following cases:

a. In cases of maternity, during four weeks before and six weeks after childbirth, provided the mother abstains from work which might impair her own health or that of her child.

b. Sickness, permanent or accidental incapacity for work not included in the provisions of paragraph 11 of this article.

2. To provide a system of life insurance for workmen and laborers falling under any of the following classifications:

a. To be a married man, or a married woman, if the husband is over sixty years of age or incapacitated for work.

b. To have children under sixteen years of age or incapacitated for work.

c. To have other descendants, under sixteen years of age, or incapacitated for work and who have no older closer relation in a position to care for them.

d. To have parents over sixty years of age or incapacitated for work.

The insurance shall be payable to the husband and wife, descendants or parents, as the case may be, and in the manner prescribed by the laws. There shall be no obligation to provide said insurance whenever such husband and wife, parents or descendants have other means of support.

3. To promote and encourage the creation and development of joint associations of employers and workmen or laborers.

4. To promote and encourage the formation of cooperative societies of workmen or laborers or of small proprietors, granting to such societies tax exemptions and other privileges.

Special efforts shall be made to promote cooperation among small farmers, in order to render more efficient the use of implements and farming machines.

5. To promote and encourage the construction of sanitary and comfortable homes for workmen, and whenever possible provide the means of enabling said workmen or laborers to become the owners of said homes.

6. To establish official pawnshops controlled by the state.

7. To encourage thrift.

8. To prevent familiar association of the two sexes in agricultural or industrial establishments.

9. To further the moral, civic and scientific enlightenment of the working classes by means of schools and lectures and the distribution of useful literature.

10. To regulate the work of women and minors, in order to prevent impairment of the health or interference with the physical development of both or of the children of the former.

11. To provide in which cases employers shall be responsible for labor accidents and what indemnity they must pay to their workmen in such cases, in order to insure the support of workmen and their families during their temporary or permanent disability for work, or that of their families in case of death.

ARTICLE V

The governments of the contracting parties shall establish employment agencies which shall gratuitously endeavor to secure work for the unemployed. Said agencies shall endeavor to keep together the members of a family, especially daughters and their fathers or mothers. Whenever this shall not be possible, said agencies shall at least endeavor to secure the same hours of rest for all the members of the same family.

Wherever possible, each of the signatory governments shall provide that the work done on its account shall be done during that part of the year in which there is less demand for workmen.

ARTICLE VI

The present convention provides a minimum of benefits which shall be granted to workmen and laborers, but it does not prevent the granting of additional benefits by means of special treaties or laws.

ARTICLE VII

The provisions of the present convention relative to workmen and laborers are also applicable to office employees or workers in agricultural, industrial or commercial establishments, whose salary does not exceed the sum of three hundred dollars gold per annum.

ARTICLE VIII

The present convention shall come into effect upon its ratification by two of the contracting parties. For the parties ratifying it thereafter the periods of time provided by this convention shall date from each ratification.

ARTICLE IX

If any of the parties should exclude from their ratification any of the points embraced in this convention, that fact shall not prevent its being considered in force with respect to that country as to the part ratified.

ARTICLE X

The present convention shall be in force for each of the parties until one year from the date of its denunciation by said party, but it shall always remain in force with respect to those parties which have not denounced it, provided these are at least two.

No denunciation shall take effect prior to January the first, one thousand nine hundred and thirty-nine.

ARTICLE XI

The exchange of ratifications of the present convention shall be made through communications addressed by the governments to the Government of Costa Rica in order that the latter may inform the other contracting states. If the Government of Costa Rica should ratify the convention, notice of said ratification shall also be communicated to the others.

ARTICLE XII

The original of the present convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the conference to each one of the governments of the contracting parties.

Signed at the city of Washington, on the seventh day of February, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

DECLARATION TO THE EFFECT THAT THE SPANISH TEXT OF THE TREATIES CONCLUDED BETWEEN THE REPUBLICS OF CENTRAL AMERICA AT THE CONFERENCE ON CENTRAL AMERICAN AFFAIRS, IS THE ONLY AUTHORITATIVE TEXT

The undersigned, delegates of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, at the Conference on Central American Affairs assembled in the city of Washington, have agreed in declaring by these presents on the occasion of signing the various treaties concluded in this city in the name of and between their respective countries that the Spanish text of the abovementioned treaties between the Republics of Central America shall alone be considered authoritative by them.

In testimony whereof they sign the present declaration, which shall be considered as an integral part of the treaties referred to.

Washington, February seventh, nineteen hundred and twenty-three.

[L.S.]	F. SÁNCHEZ LATOUR	[L.S.]	RAÚL TOLEDO LÓPEZ
[L.S.]	MARCIAL PREM	[L.S.]	EMILIANO CHAMORRO
[L.S.]	F. MARTÍNEZ SUÁREZ	[L.S.]	ADOLFO CÁRDENAS
[L.S.]	J. GUSTAVO GUERRERO	[L.S.]	MÁXIMO H. ZEPEDA
[L.S.]	ALBERTO UCLÉS	[L.S.]	ALFREDO GONZÁLEZ
[L.S.]	SALVADOR CÓRDOVA	[L.S.]	J. RAFAEL OREAMUNO

OFFICIAL DOCUMENTS

RULES OF MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

Established in pursuance of the agreement between the United States and Germany dated the 10th day of August, 1922

I

DEFINITION OF TERMS

The term "United States" as used herein shall be taken to mean the United States of America.

The term "Germany" as used herein shall be taken to mean the German Empire.

The term "Umpire" as used herein shall be taken to mean the Umpire appointed by the President of the United States under the terms of Article II of the agreement between the United States and Germany dated August 10, 1922. The terms "American Commissioner" and "German Commissioner" as used herein shall be taken to mean the Commissioners appointed by the United States and by Germany respectively in pursuance of the terms of Article II of said agreement. The terms "American Agent" and "German Agent" as used herein shall be taken to mean the Agents appointed by the United States and by Germany respectively in pursuance of the terms of Article VI of the said agreement.

The term "Secretaries" as used herein shall be taken to mean those appointed in pursuance of Article IV of the said agreement of August 10, 1922.

The term "Claim" or "Claims" as used herein shall be taken to mean such as are embraced within the categories designated in Article I of the said agreement of August 10, 1922.

II

PLACE AND TIME OF HEARINGS

The Commission shall sit at Washington, where its principal office shall be maintained and its records kept and preserved.

Hearings may be held at other places, as may from time to time be determined by the Commission.

The time and place of hearings shall, from time to time, be designated by the Commission.

III

DOCKET

A docket shall be provided by the Secretaries, in which they shall promptly enter the name of each claimant and the amount claimed, when a claim is

formally filed with the Commission. Each claim shall constitute a separate case before the Commission and be docketed as such. They shall be numbered consecutively, beginning with that first presented as No. 1.

IV

CLAIMS—FILING AND DOCKETING

(a) A claim shall be treated as formally filed with the Commission, upon there being presented to the Secretaries a memorial, petition, or written statement containing a clear and concise statement of the facts upon which the claim is based, the amount thereof, the nationality of the claimant, and a full disclosure of the nature and extent of the interest of claimant and all others therein, accompanied by copies of all documents and other proofs in support of such claim then in the possession of the American Agent; which memorial, petition, or written statement shall be signed or endorsed by the American Agent, and an endorsement of filing, with the date thereof, made thereon and signed by the Secretaries.

(b) The docketing of a claim so filed shall be notice to Germany of its filing.

(c) A petition, memorial, or written statement, or any answer thereto, may, upon leave granted by the Commission, be amended at any time before final submission of the case to the Commission.

(d) Within six months after October 9, 1922, the American Agent shall give notice of all claims which will be submitted to the Commission and not already filed, by delivering to the Secretaries a list or lists of such claims, and a copy thereof to the German Agent.

V

EVIDENCE

(a) When an original paper on file in the archives of either the United States or Germany cannot be conveniently withdrawn, a duly certified copy, with English translation, if requested, may be received in evidence in lieu thereof.

(b) The Commission shall, under such rules as it may prescribe, receive and consider all written statements or documents which may be presented to it in any case by either the American Agent or the German Agent, or their respective counsel. No such statement or document will be received or considered by the Commission if presented through any other channel.

(c) No oral evidence will be heard by the Commission save in exceptional cases for good cause shown, and upon order first entered by the Commission authorizing its introduction. Should oral evidence be introduced in behalf of one party, the Agent or counsel for the opposing party shall have the right of cross-examination.

VI

HEARINGS

(a) The order in which cases shall come on for submission before the Commission shall be determined by (1) agreement between the American Agent and the German Agent, subject to revision in the discretion of the Commission; or (2) order of the Commission.

(b) The American Agent shall give notice to the Secretaries, and through the Secretaries to the German Agent, when he is prepared to present a case to the Commission, and at the same time may file with the Secretaries a brief prepared by the Agent or his counsel, or a brief prepared by the claimant if countersigned by the Agent and such proofs in support thereof in addition to those filed in pursuance of subdivision (a) of Rule IV hereof as he may desire to present. The German Agent shall thereafter have such time, within which to file a brief and opposing written statements or documents, as may be fixed by the Commission from time to time by general or special order. Either the American Agent or the German Agent may thereafter file such additional proofs and/or briefs at such time and on such conditions as the Commission may in its discretion permit.

(c) When a case comes on for submission in pursuance of orders entered from time to time by the Commission, it may, in its discretion, hear oral arguments by the American and German Agents or their respective counsel, limited as to time as the Commission may direct. The American Agent or his counsel shall have the right to open each case and the German Agent or his counsel may reply, in which event further argument may in the discretion of the Commission be heard.

(d) When a case is submitted in pursuance of the foregoing provisions, the proceedings before the Commission in that case shall be deemed closed, unless opened by order of the Commission.

VII

DUTIES OF THE SECRETARIES

The Secretaries shall:

(a) Be subject to the directions of the Commission.

(b) Be the custodians of all documents and records of the Commission, and keep them systematically arranged in safe files. While affording every reasonable facility to the American and German Agents and their respective counsel to inspect and make excerpts therefrom, no such documents or records shall be withdrawn from the files of the Commission save by its order duly entered of record.

(c) Make and keep, in the English language, in duplicate, a docket of claims filed with the Commission.

(d) Endorse on each document presented to the Commission the date of filing, and enter a minute thereof in the docket.

(e) Make and keep, in the English language, in books provided for that purpose, duplicate minutes of all proceedings of each session of the Commission, which minutes shall be read at the next session and, after corrections if any are made, shall be approved and signed by the Commissioners and countersigned by the Secretaries.

(f) Keep a notice book in which entries may be made by either the American or German Agent, and when so made shall be notice to the other Agent and all others concerned.

(g) Provide duplicate books, in which shall be recorded all awards and decisions of the Commission signed by the Commissioners, or, in case of their disagreement, by the Umpire, and countersigned by the Secretaries.

(h) Perform such other duties as may from time to time be prescribed by the Commission.

VIII

DECISIONS

Should the two Commissioners be unable to agree on the disposition of any case or upon any point that may arise in the course of the Commission's proceedings, they shall certify to the Umpire (1) the exact point or points of disagreement, and (2) the point or points, if any, upon which they are in agreement, together with a complete but concise statement of the facts of the case or the proceedings in connection with which the difference shall arise. Each Commissioner shall prepare and submit to the Umpire his opinion in writing with respect to each point of disagreement certified to the Umpire. Such statements and opinions shall be deemed a case stated, upon which the Umpire may make his decision. He shall have the right to the complete record in the case, including the briefs of counsel, and in his discretion to hear additional oral argument upon any difference certified to him for decision. The decisions in writing (1) of the two Commissioners, where they are in agreement, otherwise, (2) of the Umpire, shall be final.

If the two Commissioners agree the decision need not state the grounds upon which it is based.

IX

AMENDMENTS

After five (5) days' notice in writing to each of them, these rules may be amended at any time at a meeting participated in by the two Commissioners and the Umpire and by the affirmative vote of not less than two.

X

EXPENSES OF COMMISSION

All expenses of the Commission which by their nature are a charge on both the United States and Germany, including the honorarium of the Umpire, the expenses of his office and the compensation of his secretary and

other employees, shall, upon being approved in writing by the American and German Commissioners, be paid, one-half by the United States and one-half by Germany.

EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND JAPAN CANCELING THE LANSING-ISHII AGREEMENT OF NOVEMBER 2, 1917[1]

Signed at Washington, April 14, 1923

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE,
Washington, April 14, 1923.

EXCELLENCY:

I have the honor to communicate to Your Excellency my understanding of the views developed by the discussions which I have recently had with your Embassy in reference to the status of the Lansing-Ishii Exchange of Notes of November 2, 1917.

The discussions between the two Governments have disclosed an identity of view and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the American and Japanese Governments are agreed to consider the Lansing-Ishii correspondence of November 2, 1917, as cancelled and of no further force or effect.

I shall be glad to have your confirmation of the accord thus reached.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES

His Excellency Mr. MASANAO HANIHARA,
Japanese Ambassador.

The Japanese Ambassador to the Secretary of State

JAPANESE EMBASSY,
Washington, April 14, 1923.

SIR:

I have the honor to acknowledge the receipt of your note of today's date, communicating to me your understanding of the veiws developed by the discussions which you have recently had with this Embassy in reference to the status of the Ishii-Lansing Exchange of Notes of November 2, 1917.

I am happy to be able to confirm to you, under instructions from my Government, your understanding of the views thus developed, as set forth in the following terms:

The discussions between the two Governments have disclosed an identity of view and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the Japanese and American Governments are agreed to consider the Ishii-Lansing correspondence of November 2, 1917, as cancelled and of no further force or effect.

Accept, Sir, the renewed assurances of my highest consideration.

M. HANIHARA

Honorable CHARLES E. HUGHES,
Secretary of State.

[1] U. S. Treaty Series No. 667.

BRITISH MANDATE FOR THE CAMEROONS [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with Article 22 of the Covenant of the League of Nations that part of the Cameroons lying to the west of the line agreed upon in the declaration of July 10, 1919, annexed hereto, referred to in Article 1, should be conferred upon His Britannic Majesty; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Confirming the said mandate, defines its terms as follows:

Article 1

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of the Cameroons which lies to the west of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Moisel 1: 300,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

[1] *League of Nations Official Journal*, Aug. 1922, p. 869.

ARTICLE 2

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

ARTICLE 4

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow:

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and in-

dustrial equality; except that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 12

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

CAMEROONS—FRANCO-BRITISH DECLARATION [1]

The undersigned:

Viscount Milner, Secretary of State for the Colonies of the British Empire.

M. Henry Simon, Minister for the Colonies of the French Republic, have agreed to determine the frontier, separating the territories of the Cameroons, placed respectively under the authority of their governments, as it is traced on the map, Moisel 1: 300,000 annexed to the present declaration,[2] and defined in the description in three articles also annexed hereto.

(Signed) MILNER.
HENRY SIMON.

London, July 10, 1919.

[1] *League of Nations Official Journal*, Aug. 1922, p. 872.

[2] The original 1: 300,000 map is attached to the signed declaration.

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER, MARKED ON MOISEL'S MAP OF THE CAMEROONS, SCALE 1: 300,000

ARTICLE 1

The frontier will start from the meeting point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N. and in approximately longitude 14° 05′ E. of Greenwich.

Thence the frontier will be determined as follows:

(1) A straight line to the mouth of the Ebeji;

(2) Thence the course of the River Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the Rivers Kalia and Lebaiit;

(3) Thence the course of the River Kalia, or Ame, to its confluence with the River Dorma, or Kutelaha;

(4) Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;

(5) From the point where the River Amjumba loses itself in a swamp, the boundary will follow the medium line of this swamp so as to rejoin the watercourse, which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Golnwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;

(6) Thence this watercourse to its confluence with the River Gatagule;

(7) Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;

(8) Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;

(9) Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;

(10) Thence the course of the Mao Tiel to its confluence with the River Benue;

(11) Thence the course of the Benue upstream to its confluence with the Faro;

(12) Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilom. south of Chikito;

(13) Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;

(14) Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;

(15) Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilom. south of the source of the Mao Kordo;

(16) Thence a line to the confluence of the Mao Ngonga and the Mao

Deo, to be fixed on the ground, so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

(17) Thence the course of the Mao Deo to its confluence with the Tiba;

(18) Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence, with a watercourse flowing from the west and situated about 12 kilom. south-west to Kontscha;

(19) Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

(20) Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilom. north-west of the Tchape Pass (point 1541);

(21) Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilom. to the east;

(22) Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;

(23) Thence a line to reach the source of the River Mafu;

(24) Thence the River Mafu to its confluence with the River Mabe;

(25) Thence the River Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;

(26) Thence a line to the confluence of the Rivers Mpand and Nun, to be fixed on the ground, so as to leave the country of Bansso to Great Britain and that of Bamum to France;

(27) Thence the River Nun to its confluence with the River Tantam;

(28) Thence the River Tantam and its affluent, which is fed by the River Sefu;

(29) Thence the River Sefu to its source;

(30) Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;

(31) Thence this watercourse to its confluence with the Northern Mifi, leaving to France the village of Gascho, belonging to the small country of Bamenjam;

(32) Thence the Northern Mifi upstream to its confluence with the River Mogo, or Dosi;

(33) Thence the River Mogo to its source;

(34) Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;

(35) Thence a line to the source of the River Bubu;

(36) Thence the River Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;

(37) Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude 4° 2′ 30″ north;

(38) Thence this parallel of latitude westwards so as to reach the coast south of Tauben I.;

(39) Thence a line following the coast, passing south of Reiher I., to Mokola Creek, thus leaving Mowe Lake to Great Britain;

(40) Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal Creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria and other unnamed creeks to the junction of the Matumal and Victoria Creeks;

(41) Thence a line running 35° west of true south to the Atlantic Ocean.

ARTICLE 2.

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the commissioners of the two governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The boundary commissioners shall be authorized to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two governments. Pending such approval, the deviations shall be provisionally recognized and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map [3] shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 3

(1) The map to which reference is made in the description of the frontier is Moisel's map of the Cameroons on the scale 1: 300,000. The following sheets of this map have been used:

[3] Annexed only to the original declaration.

Sheet A 4. Chad; dated December 1, 1912.
Sheet B 4. Kussori; dated August 1, 1912.
Sheet B 3. Dikoa; dated January 1, 1913.
Sheet C 3. Mubi; dated December 15, 1912.
Sheet D 3. Garua; dated May 15, 1912.
Sheet E 3. Ngaundere; dated October 15, 1912.
Sheet E 2. Banjo; dated January 1, 1913.
Sheet F 2. Fumban; dated May 1, 1913.
Sheet F 1. Ossidinge; dated January 1, 1912.
Sheet G 1. Buea; dated August 1, 1911.

(2) A map of the Cameroons, scale 1: 2,000,000, is attached to illustrate the description of the above frontier.[1]

FRENCH MANDATE FOR THE CAMEROONS [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer, in accordance with Article 22 of the Covenant of the League of Nations, that part of the Cameroons lying to the east of the line agreed upon in the declaration of July 10, 1919, of which mention is made in Article 1 below, should be conferred upon the French Republic; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas the French Republic has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory for which a mandate is conferred upon France comprises that part of the Cameroons which lies to the east of the line laid down in the declaration signed on July 10, 1919, of which copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the

[1] Annexed only to the original declaration.

[1] *League of Nations Official Journal*, Aug. 1922, p. 874.

French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map Moisel 1: 300,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with it annexes shall be drawn up in triplicate; one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

ARTICLE 2

The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for defence of the territory outside that subject to the mandate.

ARTICLE 4

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transference of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monoplies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious

buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

BELGIAN MANDATE FOR EAST AFRICA [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said treaty, a mandate should be conferred upon His Majesty the King of the Belgians to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Majesty the King of the Belgians has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

The territory over which a mandate is conferred upon His Majesty the King of the Belgians (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the west of the following line:

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda-German East

[1] *League of Nations Official Journal*, Aug. 1922, p. 862.

Africa frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange rivers and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The frontier described above is shown on the attached British 1: 1,000,000 map G.S.G.S. 2932.[2] The boundaries of Bugufi and Urundi are drawn as shown in the Deutscher Kolonialatlas (Dietrich-Reimer), scale 1: 1,000,000 dated 1906.

ARTICLE 2

A boundary commission shall be appointed by His Majesty the King of the Belgians and His Britannic Majesty to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the boundary commission shall give the precise description of this boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

ARTICLE 3

The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants.

ARTICLE 4

The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organize any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 5

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as

[2] Map not reproduced.

speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for public works and essential services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 6

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safequard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities. No real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 7

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organize public works and essential services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to

carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 8

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 9

The Mandatory shall apply to the territory any general international conventions applicable to contiguous territories.

ARTICLE 10

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate: this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 11

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of the present mandate.

ARTICLE 12

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 13

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London the twentieth day of July one thousand nine hundred and twenty-two.

BRITISH MANDATE FOR EAST AFRICA [1]

The Council of the League of Nations:

Whereas, by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and

Whereas, in accordance with the treaty of June 11, 1891, between Her Britannic Majesty and His Majesty the King of Portugal, the River Rovuma is recognized as forming the northern boundary of the Portuguese possessions in East Africa from its mouth up to the confluence of the River M'Sinje; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said treaty, a mandate should be conferred upon His Britannic Majesty to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

[1] *League of Nations Official Journal*, Aug. 1922, p. 865.

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point of Lake Mohazi and the top of Mount Kivisa, point 2100, situated on the Uganda-German East Africa frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1: 1,000,000 map, G.S.G.S. 2932,[2] sheet Ruanda and Urundi. The boundaries of Bugufi and Urundi are drawn as shown in the Deutscher Kolonialatlas (Dietrich-Reimer), scale 1: 1,000,000 dated 1906.

ARTICLE 2

Boundary commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

[2] Map not reproduced.

The final report by the boundary commission shall give the precise description of this boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

ARTICLE 3

The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 4

The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organize any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 5

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spiritous liquors.

ARTICLE 6

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 7

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own

nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 8

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 9

The Mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with

the approval of the League of Nations, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic, and wireless communication, and industrial, literary and artistic property.

The Mandatory shall cooperate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 10

The Mandatory shall be authorized to constitute the territory into a customs fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 11

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 12

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 13

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

MANDATE FOR THE GERMAN POSSESSIONS IN THE PACIFIC OCEAN SITUATED SOUTH OF THE EQUATOR, OTHER THAN GERMAN SAMOA AND NAURU [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German New Guinea and the groups of islands in the Pacific Ocean lying south of the Equator other than German Samoa and Nauru; and

Whereas the Principal Allied and Associated Powers agreed that in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Commonwealth of Australia to administer New Guinea and the said islands, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Commonwealth of Australia, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Commonwealth of Australia (hereinafter called the Mandatory) comprises the former German colony of New Guinea and the former German islands situated in the Pacific Ocean and lying south of the Equator, other than the islands of the Samoan group and the island of Nauru.

ARTICLE 2

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Commonwealth of Australia, and may apply the laws of the Commonwealth of Australia to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 85.

ARTICLE 3

The Mandatory shall see that the slave trade is prohibited, and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th day of December, 1920.

MANDATE FOR THE FORMER GERMAN POSSESSIONS IN THE PACIFIC OCEAN LYING NORTH OF THE EQUATOR[1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the groups of islands in the Pacific Ocean lying north of the Equator; and

Whereas the Principal Allied and Associated Powers agreed that in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty a mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands and have proposed that the mandate should be formulated in the following terms; and

Whereas His Majesty the Emperor of Japan has agreed to accept the mandate in respect of the said islands and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:—

ARTICLE 1

The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

ARTICLE 2

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3

The Mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 87.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th of December, 1920.

MANDATE FOR NAURU [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Nauru; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty a mandate should be conferred upon His Britannic Majesty to administer Nauru, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept a mandate in respect of Nauru and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) is the former German island of Nauru (Pleasant Island, situated in about 167° longitude East and 0° 25′ latitude South).

ARTICLE 2

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of his territory.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3

The Mandatory shall see that the slave trade is prohibited, and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same.

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 93.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortification erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th day of December, 1920.

DECLARATION BY THE JAPANESE GOVERNMENT RELATING TO "C" MANDATES [1]

Read by Viscount Ishii at the meeting of the Council, December 17, 1920.

From the fundamental spirit of the League of Nations, and as the question of interpretation of the Covenant, His Imperial Japanese Majesty's Gov-

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 95. This declaration refers to the mandates for Southwest Africa, Samoa, Nauru, and the other former German possessions in the Pacific Ocean.—ED.

ernment have a firm conviction in the justice of the claim they have hitherto made for the inclusion of a clause concerning the assurance of equal opportunities for trade and commerce in "C" mandates. But from the spirit of conciliation and cooperation and their reluctance to see the question unsettled any longer, they have decided to agree to the issue of the mandate in its present form. That decision, however, should not be considered as an acquiescence on the part of His Imperial Japanese Majesty's Government in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the mandated territories; nor have they thereby discarded their claim that the rights and interests enjoyed by Japanese subjects in these territories in the past should be fully respected.

BRITISH MANDATE FOR PALESTINE[1]

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by

[1] *League of Nations Official Journal*, Aug. 1922, p. 1007. See declaration giving condition of approval of the mandates for Palestine and Syria, *infra*, p. 193.

the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

ARTICLE 2

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

ARTICLE 4

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and cooperating with the administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the government of any foreign Power.

ARTICLE 6

The administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish agency referred to in Article 4, close settlement

by Jews on the land, including state lands and waste lands not required for public purposes.

ARTICLE 7

The administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11

The administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the administration.

Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this commission shall be submitted to the Council of the League for its approval, and the commission shall not be appointed or enter upon its functions without the approval of the Council. [2]

[2] The British Government, on August 31, 1922, submitted to the Council of the League of Nations a scheme for the Holy Places Commission provided for in Article 14 of the mandate (*Official Journal, League of Nations*, November, 1922, p. 1150; text of scheme, *ibid.*, p. 1153). At the meeting of the Council on October 4, 1922, the question was adjourned for study by and agreement among the interested Powers (*ibid.*, p. 1152).—Ed.

ARTICLE 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17

The administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the administration of Palestine.

Nothing in this article shall preclude the administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any state member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign state in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said states, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any state the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19

The Mandatory shall adhere on behalf of the administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20

The Mandatory shall cooperate on behalf of the administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a law of antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all states members of the League of Nations.

(1) "Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.

(2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent department, shall be rewarded according to the value of the discovery.

(3) No antiquity may be disposed of except to the competent department, unless this department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said department.

(4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent department

(6) Equitable terms shall be fixed for expropriation, temporary or permanent of lands which might be of historical or archæological interest.

(7) Authorization to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8) The proceeds of excavations may be divided between the excavator and the competent department in a proportion fixed by that department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

ARTICLE 23

The administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

ARTICLE 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18. [3]

[3] See British memorandum, approved by the Council of the League, regarding the territory known as Trans-Jordan, *infra*, p. 171.

ARTICLE 26

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 28

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

GENEVA, *September 23, 1922.*

ARTICLE 25 OF THE PALESTINE MANDATE [1]

TERRITORY KNOWN AS TRANS-JORDAN

Note by the Secretary-General

The Secretary-General has the honor to communicate for the information of the members of the League, a memorandum relating to Article 25 of the Palestine mandate presented by the British Government to the Council of the League on September 16, 1922.

The memorandum was approved by the Council subject to the decision taken at its meeting in London on July 24, 1922, with regard to the coming into force of the Palestine and Syrian mandates.[2]

[1] *British White Paper*, Cmd. 1785.

[2] Printed, *infra*, p. 193.

MEMORANDUM BY THE BRITISH REPRESENTATIVE [3]

1. Article 25 of the mandate for Palestine provides as follows:—

> In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

2. In pursuance of the provisions of this Article, His Majesty's Government invite the Council to pass the following resolution:—

> The following provisions of the mandate for Palestine are not applicable to the territory known as Trans-Jordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian frontier.

Preamble.—Recitals 2 and 3.

Article 2.—The words "placing the country under such political administration and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and"

Article 4.

Article 6.

Article 7.—The sentence "There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine."

Article 11.—The second sentence of the first paragraph and the second paragraph.

Article 13.

Article 14.

Article 22.

Article 23.

In the application of the Mandate to Trans-Jordan, the action which, in Palestine, is taken by the administration of the latter country, will be taken by the administration of Trans-Jordan under the general supervision of the Mandatory.

3. His Majesty's Government accept full responsibility as Mandatory for Trans-Jordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the mandate shall be in no way inconsistent with those provisions of the mandate which are not by this resolution declared inapplicable.

[3] *League of Nations Official Journal*, Nov. 1922, p. 1390.

MANDATE FOR GERMAN SAMOA [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand to administer German Samoa and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Dominion of New Zealand, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Dominion of New Zealand (hereinafter called the Mandatory) is the former German Colony of Samoa.

Article 2

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

Article 3

The Mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 91.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th day of December, 1920.

MANDATE FOR GERMAN SOUTH-WEST AFRICA [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German South-West Africa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa to administer the territory aforementioned, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Union of South Africa, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa (hereinafter called the Mandatory) comprises the territory which formerly constituted the German Protectorate of South-West Africa.

ARTICLE 2

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3

The Mandatory shall see that the slave trade is prohibited, and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

[1] *League of Nations Official Journal*, Jan.–Feb. 1921, p. 89.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3,4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th day of December, 1920.

FRENCH MANDATE FOR SYRIA AND THE LEBANON[1]

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed that the territory of Syria and the Lebanon, which formerly belonged to the Turkish Empire shall, within such boundaries as may be fixed by the said Powers, be entrusted to a Mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of Article 22 (paragraph 4) of the Covenant of the League of Nations; and

Whereas the Principal Allied Powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it; and

Whereas the terms of this mandate, which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval; and

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the aforementioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent states. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

ARTICLE 2

The Mandatory may maintain its troops in the said territory for its defence. It shall further be empowered, until the entry into force of the organic law and the reestablishment of public security, to organize such local militia as may be necessary for the defence of the territory, and to employ this militia for defence and also for the maintenance of order. These

[1] *League of Nations Official Journal*, Aug. 1922, p. 1013. See declaration giving condition of approval of the mandates for Palestine and Syria, *infra*, p. 193.

local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the Mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the Mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the Mandatory stationed in the territory.

The Mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies and fuel.

ARTICLE 3

The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory.

ARTICLE 4

The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power.

ARTICLE 5

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organization provided for in Article 6.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 6

The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and

administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 7

Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign Powers and the Mandatory shall apply within the territory of Syria and the Lebanon.

ARTICLE 8

The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9

The Mandatory shall refrain from all interference in the administration of the Councils of management (*Conseils de fabrique*) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10

The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

ARTICLE 11

The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any state member of the League of Nations as compared with its own nationals,

including societies and associations, or with the nationals of any other foreign state in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said states; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The Mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The Mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to ensure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all states members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the state or through an organization under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favor of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

ARTICLE 12

The Mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreements already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic or wireless communications, and measures for the protection of literature, art or industries.

ARTICLE 13

The Mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

ARTICLE 14

The Mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all states members of the League of Nations.

(1) "Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.

(2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent department, shall be rewarded according to the value of the discovery.

(3) No antiquity may be disposed of except to the competent department, unless this department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said department.

(4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent department.

(6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7) Authorization to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Mandatory shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8) The proceeds of excavations may be divided between the excavator and the competent department in a proportion fixed by that department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 15

Upon the coming into force of the organic law referred to in Article 1, an arrangement shall be made between the Mandatory and the local governments for reimbursement by the latter of all expenses incurred by the Mandatory in organizing the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16

French and Arabic shall be the official languages of Syria and the Lebanon.

ARTICLE 17

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

ARTICLE 18

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 19

On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfillment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

ARTICLE 20

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London on the twenty-fourth day of July, one thousand nine hundred and twenty-two.

BRITISH MANDATE FOR TOGOLAND [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein Togoland; and

Whereas the Principal Allied and Associated Powers agreed that the

[1] *League of Nations Official Journal*, Aug. 1922, p. 880.

Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer, in accordance with Article 22 of the Covenant of the League of Nations, that part of Togoland lying to the west of the line agreed upon in the declaration of July 10, 1919, referred to in Article 1, should be conferred upon His Britannic Majesty; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of Togoland which lies to the west of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map Sprigade 1: 200,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate; one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

ARTICLE 2

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

ARTICLE 4

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory

under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 12

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

TOGOLAND—FRANCO-BRITISH DECLARATION [1]

The undersigned:

Viscount Milner, Secretary of State for the Colonies of the British Empire.

M. Henry Simon, Minister for the Colonies of the French Republic, have agreed to determine the frontier separating the territories of Togoland placed respectively under the authority of their governments, as it is traced on the map (Sprigade 1: 200,000) annexed to the present declaration,[2] and defined in the description in three articles also annexed hereto.

(Signed) MILNER,
HENRY SIMON.

London, July 10, 1919.

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER MARKED ON SPRIGADE'S MAP OF TOGOLAND, SCALE 1: 200,000.

ARTICLE 1

The frontier will run eastwards from the pillar erected at the point of junction of the three colonies of Haute Volta, Gold Coast and Togoland in about latitude 11° 8′ 33″ to the unnamed watercourse shown on the map to the east of this pillar.

The frontier will run thence as follows:

(1) Along this unnamed watercourse to its confluence with the Kulapalogo;

[1] *League of Nations Official Journal*, Aug. 1922, p. 883.

[2] The original 1: 200,000 map is attached to the signed declaration.

(2) Thence by the course of the Punokobo to its source;

(3) Thence in a south-westerly direction to meet the River Biankuri, which downstream is named the Njimoant and the Mochole, which it follows to its confluence with the Kulugona.

(4) From the confluence of the Mochole and the Kulugona the frontier will follow in a southerly direction a line to be fixed on the ground to point 390 near the junction of the streams Nabuleg and Gboroch;

(5) Thence a line running in a south-easterly direction to the Manjo so as to leave the village of Jambule to France and that of Bungpurk to Great Britain;

(6) Thence downstream the course of the Manjo to its confluence with the Kunkumbu;

(7) Thence the course of the Kunkumbu to its confluence with the Oti;

(8) Thence the course of the Oti to its confluence with the Dakpe;

(9) Thence the Dakpe upstream to the boundary between the two old German districts of Mangu-Yendi and Sokode-Bassari;

(10) The frontier will follow this administrative boundary southwest to regain the Oti;

(11) Thence the course of the Oti to its confluence with the Kakassi;

(12) Thence the course of the Kakassi upstream to its confluence with the Kentau;

(13) Thence the course of the Kentau to its junction with the tribal boundary between the Konkomba and the Bitjem;

(14) Thence southwards a line following generally this tribal boundary so as to leave the villages of Natagu, Napari, and Bobotiwe to Great Britain and those of Kujunle and Bisukpabe to France;

(15) Following this boundary to a point situated about $1\frac{1}{2}$ kilom. north of the confluence of the Kula and the Mamale;

(16) Thence the Mamale upstream to its junction with the road from Nabugem to Bpadjebe;

(17) Thence a line southwards to meet the River Bonolo so as to leave Bpadjebe to France;

(18) Thence downstream the Rivers Bonolo and Tankpa to the confluence of the latter with the Nabol;

(19) Thence the River Nabol upstream to the junction of the tribal boundary between the Konkomba and the Bitjem;

(20) Thence southwards a line following generally this tribal boundary to the summit of Kusangnaeli;

(21) Thence a line to reach the confluence of the Tunkurma and the Mo, following generally the course of the Kuji and the Tunkurma;

(22) Thence the course of the Mo (Mola) downstream, following the southern boundary of the Dagben country to its junction with an unnamed affluent on the left bank at a point shown on the map near longitude 0° 20′ East;

(23) Thence a line from this confluence running generally south-east to the confluence of the Bassa and the Kue, following as far as possible the course of the Mo (Moo);

(24) Thence the course of the Kue upstream to the bend formed by this river at a distance of about 2 kilom. south-west of Kueda;

(25) Thence a line running southwards following the watershed between the Bunatje, the Tschai and the Dibom on the west and the Kue and the Asuokoko on the east to the hill situated about 1 kilom. west of the Maria Falls, leaving the village of Schiare to Great Britain and that of Kjirina to France and cutting the road from Dadiasse (which remains British) to Bismarckburg (which remains French) near point 760.

(26) From the hill situated to the west of the Maria Falls a line to reach the Asuokoko, which it follows to its confluence with the River Balagbo;

(27) Thence a line running generally southwards to Mount Bendjabe;

(28) Thence a line following the crest which runs southwards; then, cutting the Wawa, reaches point 850 situated north of Kitschibo;

(29) From point 850 a line running approximately southwards to the Tomito mountain;

(30) Thence a line running south-south-westwards and, cutting the River Onana, reaches the watershed between the Odjabi and the Sassa, then continuing south-south-westwards, cutting the River Daji between Odjabi and the Sassa, reaches the summit of Awedjegbe.

(31) From this point it follows the watershed between the Ebanda or Wadjakli on the west and the Seblawu and Nubui on the east, then cuts the latter river at a point situated about 1 kilom. east of Apegame;

(32) Thence a line to the watershed of the Agumassato hills which it follows to the Akpata hills;

(33) Thence a line running south-west to the confluence of the Tsi and the Edjiri;

(34) Thence a line following generally the southern tribal boundary of the Agome to a point situated on the watershed 2 kilom. south of Moltke Peak;

(35) Thence a line running generally southwards following the watershed to the Fiamekito hills which it leaves to reach the River Damitsi;

(36) Thence the River Damitsi to its confluence with the Todschie (or Wuto);

(37) Thence the River Todschie to the boundary of the lands of the village of Botoe, which it passes on the east so as to leave it wholly to Great Britain;

(38) Thence the road from Botoe to Batome to the western limit of the latter village;

(39) Thence the line passes south of Batome so as to leave this village in its entirety to France;

(40) From south of Batome the boundary runs to the point of junction

of the present boundary of the Gold Coast Colony (parallel 6° 20′ North) and the River Magbawi;

(41) Thence it follows, to the sea, the present frontier as laid down in the Anglo-German convention of July 1, 1890. However, where the Lome-Akepe road by way of Degbokovhe crosses the present frontier south of latitude 6° 10′ North and west of longitude 1° 14′ East of Greenwich, the new frontier shall run 1 kilom. south-west of this road, so as to leave it entirely in French territory.

ARTICLE 2

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the commissioners of the two governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The boundary commissioners shall be authorized to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two governments. Pending such approval, the deviations shall be provisionally recognized and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map [3] shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under the French authority, or inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 3

(1) The map to which reference is made in the description of the frontier is Sprigade's map of Togoland on the scale 1:200,000; of which the following sheets have been used:

Sheet A 1. Sansane-Mangu; date of completion July 1, 1907.
Sheet B 1. Jendi; date of completion, October 1, 1907.
Sheet C 1. Bismarckburg; date of completion, December 1, 1906.

[3] Annexed only to the original declaration.

Sheet D 1. Kete; Kratschi; date of completion, December 1, 1905.
Sheet E 1. Misahohe; date of completion, June 1, 1905.
Sheet E 2. Lome, date of completion, October 1, 1922.

(2) A map of Togoland, scale 1: 1,500,000, is attached [4] to illustrate the description of the above frontier.

FRENCH MANDATE FOR TOGOLAND [1]

The Council of the League of Nations:

Whereas, by Article 119 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein Togoland; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer, in accordance with Article 22 of the Covenant of the League of Nations, that part of Togoland lying to the east of the line agreed upon in the declaration of July 10, 1919, of which mention is made in Article 1 below, should be conferred upon the French Republic; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas the French Republic has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1: 200,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provision of the said declaration.

The final report of the mixed commission shall give the exact description

[4] Annexed only to the original declaration.

[1] *League of Nations Official Journal*, Aug. 1922, p. 886.

of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Majesty's Britannic Government.

ARTICLE 2

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for the defence of the territory outside that subject to the mandate.

ARTICLE 4

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native pupulation.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The Mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protec-

tion afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

DECLARATION APPROVED BY THE COUNCIL OF THE LEAGUE OF NATIONS, LONDON, JULY 24, 1922 [1]

In view of the declarations which have just been made, and of the agreement reached by all the members of the Council, the articles of the mandates for Palestine and Syria are approved. The mandates will enter into force automatically and at the same time, as soon as the Governments of France

[1] *League of Nations Official Journal*, Aug. 1922, p. 825.

and Italy have notified the President of the Council of the League of Nations that they have reached an agreement on certain particular points in regard to the latter of these mandates.[2]

The present negotiations will be resumed at Geneva on August 30, before the meeting of the next Assembly, expressly to solve the questions submitted for its decision under Article 14 of the mandate for Palestine.[3]

[2] The notification of France and Italy had not been made at the date of publication of this SUPPLEMENT.—ED.

[3] See footnote to Article 14 of the Palestine mandate, *supra*, p. 167.

the Chinese state and to develop its institutions, or whether its financial distress, combined with the plottings of a revolutionary opposition, will deliver it into the hands of those who are not favorable to the growth of China's national life. . . . It is certainly true that the Chinese people are anxious to follow in the footsteps of the United States if they may only be permitted to do so."

Unfortunately, the Washington administration did not take advantage of this golden opportunity, or partake of the broad, humanitarian views of its minister. On the contrary, by procrastination and the lack of definite program in far eastern affairs, matters were left to drift for seven long years. But, if the firmness and discretion displayed at the time of the Washington Conference in 1921–1922 had been exercised throughout the previous eight years, the history of the reorganization of China would have been quite different, the movement for reform much further advanced today, and the interests of the United States in China in a far better condition than we can hope to see them for some years to come.

The present volume, although its author refrains from directly making a case against his own government or even submitting it to severe criticism, is a grave indictment against the Wilson administration. For the evidence is clear and complete that, not only was the United States Government guilty of shortsightedness and neglect—the latter perhaps in part excusable because of the tremendous pressure under which the administration was forced to work after our entrance into the War—but that it committed two cardinal and unpardonable errors in its handling of American interests in the Far East. The first was the loss of confidence created by President Wilson's declaration of March 19, 1913, in which he announced the withdrawal of the United States from the six-power group. This proclamation destroyed completely the interest of the American investor in Asiatic loans, and was a blow in the face to the progressive Chinese statesmen who were earnestly striving to cooperate with the United States in financial matters. And it was a tremendous setback to the development of American interests in China and to the promotion of Chinese-American cooperation, commercial and economic, for, to use the words of Mr. Willard Straight, it was a "specific condemnation of the activities of the only American banking group which had had the enterprise, the courage, and the patience to enter and remain in the Chinese field and which, despite its unpopularity among certain yellow journals and a number of Western Congressmen, stood for integrity, fair dealing, and sound business in the minds of the bond-purchasing public, upon whose readiness to buy the success of any bond issue must depend. . . . Neither Mr. Taft nor Mr. Knox ever promised to send American battleships to threaten China, or to land marines to occupy Chinese territory, in case of default in interest payments. The public was misled by no false statements, but there was, nevertheless, a general belief that our Government was actively interested in the preservation of China's credit and in the development of that country. . . . This confidence

which would have enabled us to sell Chinese bonds had been created by four years of hard work on the part of the bankers and the Government."

The second error of the Wilson administration was its failure to stand by the new Republic during the period of its greatest need, when the hands of the European states were tied by the Great War. We could have insisted on being consulted at every phase of the negotiations when Japan browbeat China into an acceptance of the Twenty-One Demands, since our treaty rights with China were endangered. Once admitted to the discussion, we could easily have made sure that China secured a square deal in this transaction. But no. We not only gave Japan a free hand, but, deserting our best friend in the Far East, we went over into the camp of the enemy to sign the Lansing-Ishii notes which gave to the Chinese the impression that the new Republic was deprived of the support of its last friend on earth.

It is incomprehensible how any intelligent administration could have been led into such a step without consulting its representative in China, for Dr. Reinsch knew nothing of the famous notes till their contents were announced in Peking by the Japanese two days in advance of the Japanese agreement with the United States concerning the time of their publication. But this is only one of the instances in which President Wilson ignored our ministers in foreign capitals, or failed to advise with the accredited representatives in deciding momentous questions of foreign policy. There may have been some good and sufficient reason why the President indulged in this singular method of directing the work of the Department of State. But history is full of instances where states have committed grave errors, and where statesmen have plunged their country into troubles and disasters, because they failed to take the advice of their well-informed representatives living in intimate touch with the situation. When General Gordon was shut up in Khartoum and appealed to the British Government for military aid to rescue the imperiled Egyptians and to restore order in the Sudan, Sir Evelyn Baring (later Lord Cromer) wrote from Cairo to the British cabinet: "It is for Her Majesty's Government to judge of the importance of public opinion in England; but I venture to think that any attempt to settle Egyptian questions in the light of English popular feeling is sure to be productive of harm, and in this, as in other cases, it will be preferable to follow the advice of the responsible authority on the spot". When the British authorities finally decided to follow the General's advice, it was too late. Gordon was slain; and it took Great Britain seventeen years to establish order and peace throughout the Sudan—a work Gordon might have accomplished in a few months. The same policy produced similar results in China and the Far East. For, at the end of President Wilson's second administration, American influence and prestige had sadly dwindled since the days when Secretary Hay announced the consent of the Powers to the policy of the "Open Door." And China is no further along in her work of reorganization than she was ten years ago.

NORMAN DWIGHT HARRIS.

Allied Shipping Control. By J. A. Salter. (Economic and Social History of the World War, British Series, Carnegie Endowment for International Peace.) Oxford: at the Clarendon Press, 1921. pp. xxiii, 372. 10s. 6d. net.

The chief interest of this volume to readers of the JOURNAL is the account of the results of the German submarine warfare and the Allied efforts which finally defeated the submarine, and the possible bearing of the information, supplied from authentic sources, upon future efforts to prohibit or regulate the use of submarines in warfare, especially in view of the discussions and action of the Arms Conference at Washington a year ago. During the war the author occupied various responsible positions under the British Ministry of Shipping and is therefore in a position to give an intimate and reliable account of the problems of shipping during the early years of the war, the struggle of the Allies against the submarine, and the manner in which the latter was overcome.

In view of the conflicting claims of the German and British Admiralties during the war as to the effectiveness of the submarine campaign, the revelations of the author on this point are worthy of note. For instance, in his account of the intensive submarine campaign which was begun by Germany on March 1, 1917, Mr. Salter states:

> The opening success of the new campaign was staggering. In the first three months 470 ocean-going ships (including all classes of ships the total was 1 000) had been sunk. In a single fortnight in April 122 ocean-going vessels were lost. The rate of the British loss in ocean-going tonnage during this fortnight was equivalent to an average round voyage loss of 25 per cent—one out of every four ships leaving the United Kingdom for an overseas voyage was being lost before its return. The continuance of this rate of loss would have brought disaster upon all the Allied campaigns, and might well have involved an unconditional surrender (pp. 121–122).

The variance between the actual losses and the official figures published at the time is explained by the author as follows:

> Week by week the losses of ocean-going ships, averaging say 40 British, or 50 British, Allied and neutral together at this period, were published in conjunction with figures of arrivals and departures at British ports (about 2,500 of each in every week). The figures were, of course, exact in both cases; but those of the arrivals and departures gave a seriously wrong impression, not only to the public but to many of those concerned in naval defence.
>
> It is true that there were 2,500 arrivals—but about 2,360 of them were cross-Channel ships, vessels shifting ports or small coastal vessels merely arriving from another coastal port and never seriously at risk. The arrivals of British ocean-going ships, comparable to the forty lost, were not 2,500 but about 140 (p. 123).

The volume shows that the answer to the submarine was the convoy system, which was adopted in May, 1917.

"The System", says the author, "was a triumphant success and may perhaps justly claim to be the decisive factor in the long contested struggle between the two blockades. The shipping losses fell steadily throughout the latter part of 1917 and beginning of 1918, and with the complete extension of the convoy system they had almost ceased to be serious. This reduction was not due, as was popularly imagined at the time, to the destruction of submarines; on the contrary, the number of submarines at sea was continually growing and the skill and strength of the individual submarine increasing. . . . That they failed to continue their success was due not to failing numbers or failing skill but to the convoy system" (pp. 127–128).

G. A. F.

Japan and the United States 1853–1921. By Payson J. Treat. Boston: Houghton Mifflin Co., 1921. pp. 282. $2.00.

Professor Treat's book consists of twelve lectures delivered at four Japanese universities in the fall of 1921. The first five of the chapters are practically a summary, foctnotes and scholarly impedimenta omitted, of the author's Albert Shaw lectures delivered in 1917 and published under the title of "Early Diplomatic Relations between the United States and Japan". The subsequent chapters discuss the rise of the new Japan, the revision of the treaties and relations with Korea, China, Russia and the United States. There are chapters on the Open Door in China, the World War and the Japanese immigration question.

The circumstances under which the lectures were delivered render it difficult to set up a perfectly fair standard of judgment for the book. Professor Treat appeared in Japan at a time when the delegates were hurrying to the Washington Conference and there was in Japan a great deal of alarm over the possible spirit in which the Conference might approach the subject of Japanese relations with China, Siberia and the Pacific. The occasion, therefore, offered no suitable opportunity for a detached, judicial and critical examination of the course of Japanese-American relations. The author appears to have been fully conscious of this delicate situation and he adopted a policy of dealing with the facts with the utmost gentleness. Of the first draft of the Twenty-One Demands and of the manner of their presentation Professor Treat is critical but in nearly all other matters he is disposed to extenuate, condone and justify Japan. The lectures would appear to have been skilfully and admirably prepared to serve the purpose in view and must have left a very pleasant impression in Japan. However these lectures are now published in the United States and are put into circulation not exclusively for Japanese readers but also for students generally. They have back of them the weight of much authority, for the author's Shaw lectures were in many ways the most scholarly and substantial detailed study of any phase of Far Eastern affairs which has yet appeared in any country. The

new book therefore invites attention as a summary of Japanese-American relations. Unhappily the very spirit and method which rendered the lectures so acceptable in Japan embarrasses their value as an authoritative review.

It is the author's obvious and entirely worthy purpose to set Japan forth in the best possible light. The method selected, however, is not to present all the evidence and balance one side against the other but to accept at full face value the official Japanese explanations of many events which really require a much closer scrutiny. For example, Professor Treat represents China as having alone been the aggressor in Korea in 1882–94. This is to ignore the complicity of the Japanese Legation at Seoul in the *coup d'état* of December 4, 1884 which is acknowledged by a distinguished Japanese historian, and it also ignores the provocative measures in Korea undertaken by Japan in 1892–3, as well as the necessity for a foreign war created by the struggle in the Japanese Diet in 1894. He states that the "weakness and supineness of China" was the sole cause of involving Japan in the Russo-Japanese War. Something more than assertion is necessary to sustain this statement. He believes that until 1905 Japanese diplomacy was modelled on British and American precedents. But even the Japanese have stated that their diplomacy in Korea and China during the greater part of this period was copied from French models, and even the French in their most unbridled moments never thought it expedient to murder a queen and burn her body. If Japan had failed in the Russo-Japanese War, thinks Professor Treat, "she would have been crushed by the Russian giant"—by no means a statement of obvious fact. He thinks that the relations between the United States and Japan, 1905–14, were "always friendly and correct". In the light of the secret treaties with China and Russia and in the light of the discriminations in Korea and Manchuria which the author refuses to consider in detail, this would appear to be putting severe strains on two very simple English words. As for the annexation of Korea he thinks that Japan should be judged not by the methods but by the results. Why not by both? The book when thus examined reveals a strong flavor of Kawakami and Iyenaga.

The impression one receives is that Japanese policy presents no fundamental defects and that the various "war-scares" of the last fifteen years have been caused solely by a "certain type of journalist" and by the "well-known influence of the military leaders" over the Japanese populace. Undoubtedly these have been factors but it is well to remember that not every anti-Japanese book or article has been written by that certain type of journalist to which the author refers, and it is also important to note that in every forward movement which Japan has made in the way of military aggression the Japanese intelligencia, the descendants of the old samaurai class which numbered half a million males when it was disestablished, has stood almost solidly back of the military leaders or else a little in advance of them.

But passing by details it is difficult to see how a thorough study of Japanese foreign relations can fail to bring out its inherent moral and strategical defects. Likewise Professor Treat refrains from criticizing American policy with reference to Japan and the Far East. He commends the policy of Judge Bingham who, in his long service in Tokio (1873–85), set himself so strongly against the policy of cooperation with Great Britain which had been fostered by Seward and Burlingame. This is the conventional estimate of Bingham and the isolated policy in the Far East, but we believe that it is a shortsighted one. That mess of iniquity, which we now call the Far Eastern question, received the most favorable conditions for incubation when the United States withdrew from the cooperative policy. The interests of justice and the welfare of the people of the East would have been far better served had the American Government not heeded the advice of Judge Bingham, and if it had, on the contrary, increased its investments in the cooperative policy by strengthening the consular, diplomatic and naval service in the Far East to the point where it could have exercised a restraining influence upon all the predatory interests, Japan included. Professor Treat might even have gone farther in the criticism of American policy and by way of concession to the Japanese point of view, pointed out that the traditional policy of the United States in Eastern Asia has been to make very sweeping demands and yet to support the demands with slight appropriations either of money or thought. American policy has been too often, as Japanese and other critics have asserted, an effort to get something for nothing.

Professor Treat's book bears witness to the fact that he has been a close student of the detail of American-Japanese relations and there is here presented much new material which has never before been put together. The book is, therefore, a valuable one which is always worth consulting for the information it contains, as well as a book to be read with caution because of the equally important information which it omits.

TYLER DENNETT.

International Law. By George G. Wilson. 8th ed. Boston: Silver, Burdett and Co., 1922. pp. xix–360. Appendix. Index.

This is the eighth edition of the well-known Wilson and Tucker treatise upon International Law, but under the sole authorship of Professor Wilson.

The original work was noteworthy for sound judgment, for an excellent sense of proportion and for its modest dimensions—a great little book.

Yet in spite of its brevity the work never seemed a crowded compendium; it always had space for adequate discussion of contentious topics and for original contributions upon subjects which the authors had made peculiarly their own, the recognition of insurgency, for instance.

The present edition follows the close of the Great War. Constant refer-

ence is made to its lessons. Nevertheless the character of the book is unaltered, nor is its volume much altered.

Thus the portion devoted to the general principles of the law and to the relations of states in time of peace, is enlarged but by a single page.

Yet it discusses such very modern topics as mandates, jurisdiction over rivers and coastal waters, jurisdiction over the air, the use of English in diplomacy, the Permanent Court of International Justice and others with frequent reference to the results of the war, without enlargement. In other words omissions and additions are made to balance one another. It reminds me of a scholarly friend who used to throw away an old book when he bought a new one, a fair replacement.

In the part of the work relating to war, however, an addition of fourteen pages has been found necessary together with a moderate increase of the matter in the appendix. Naturally this matter has been thoroughly worked over.

The author's view of the effect of the war upon international law is expressed thus, after discussing the various conventions of the ante-war period:

> From August 1914 international law, particularly relating to hostilities, was tested by the World War. The test showed the weakness and lack of adaptability to modern conditions of some of these conventions, while strengthening confidence in many of the long-recognized underlying principles of international law.

Would it not be fairer to ascribe the lamentable violations of the laws of war during those four years to the abominable practices of one of the combatants rather than to the weakness of the laws or their lack of adaptability! That is the reviewer's feeling, but the author preserves his judicial attitude and his admirable self-control throughout.

Nevertheless it makes this part of the work a trifle colorless. Our chief grievance as neutrals against England was her shutting us out from the Baltic ports of Germany by a blockade set in the North Sea which Sweden was exempt from. This is not touched upon.

Both combatants imprisoned enemy non-combatant subjects in their territory at the outbreak of war which is unusual and improper. This is not brought out.

The submarine practices of Germany forced us into war after long diplomatic discussion and remonstrance, but this is hardly mentioned, nor is the case of the *Lusitania*.

In spite of such abnormal self-control and insistence upon a proper sense of proportion, the author's sentiments flash out at odd moments, as when he speaks of acts which "before the world war" were regarded as forbidden except in punishment. And again, "However, in the world war there were many departures from accepted principles". And, "The disregard of the rights of non-combatant population in occupied areas during the world war in no wise changed these principles".

But it is putting it mildly to say, "The treatment of prisoners of war during the world war was much criticized. Often the rules upon which states had agreed were not observed".

On the other hand the reader will be grateful for many illuminating passages new to this edition. Boycott, the arming of merchant vessels, aerial warfare, neutrality regulations, search of ships forced into port, retaliation affecting the neutral, angary, these and other matters are touched upon with a master hand.

In the appendix will be found the Covenant of the League of Nations, the Statute of the Permanent Court of International Justice, and the Treaty of Washington on Submarines and Noxious Gases of 1922.

T. S. WOOLSEY.

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The International Development of China. By Sun Yat-sen. New York and London: G. P. Putnam's Sons, 1922. pp. x, 265.

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London Conference, 1922.

Bulletin No. 51. (pp. 45.)

I. Immunity of Public Ships (France, Netherlands).
II. International Code of Affreightment (Netherlands).
III. Negligence Clauses in Bills-of-Lading (France, Netherlands).

Bulletin No. 52. (pp. 30.)

I. Immunity of Sovereign States (Italy, Denmark, Fiume, Greece).
II. International Code of Affreightment (Denmark, Fiume, Greece).

[1] Mention here does not preclude an extended notice in a later issue of the JOURNAL.

III. Negligence Clauses in Bills-of-Lading (Denmark, Greece).

Bulletin No. 53. (pp. 23.)

I. International Code of Affreightment (Belgium).

II. Negligence Clauses in Bills-of-Lading (Hague Rules) (Belgium).

III. Immunity of Sovereign States (Belgium).

Bulletin No. 54. (pp. 37.)

I. The Hague Rules 1921 (Great Britain, Japan, Sweden).

II. International Code of Affreightment (Japan, Sweden).

III. Immunity of State-Owned Ships (Japan, United States, Sweden).

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PERIODICAL LITERATURE ON INTERNATIONAL LAW SUBJECTS [1]

Abbreviations: American Bar Association Journal (*Amer. Bar Ass. J.*); American Law Review (*Amer. L. R.*); American Political Science Review (*Amer. Pol. Sc. R.*); Archiv des öffentlichen Rechts (*Arch. d. öffentl. Rechts*); British Year Book (*Br. Y. Book*); Canadian Law Times (*Can. L. T.*); Foreign Affairs (*For. Aff.*); Harvard Law Review (*Harvard L. R.*); Hispanic American Historical Review (*Hispanic Amer. Hist. R.*); Journal of American Institute of Criminal Law and Criminology (*J. Crim. L.*); Juridical Review (*Jur. R.*); North American Review (*N. Amer. R.*); Revista de Direito Publico e de Administração Federal, Estadual e Municipal (Brazil) (*Rev. de Dir. Pub.*); Revista Mexicana de Derecho Internacional (*Rev. Mex. Der. Int.*); Revue de Droit International et de Diplomatie (Japan) (*Jap. R. Dr. Int.*); Revue de Droit International et de Législation Comparée (*R. Dr. Int. et Lég. Comp.*); Revue de Droit International Privé et de Droit Penal International (*R. Dr. Int. Privé et Dr. Penal Int.*); Revue Générale de Droit International Public (*R. Gen. Dr. Int. Public*); Revue Internationale du Droit Maritime (*R. Int. Dr. Maritime*); University of Pennsylvania Law Review (*Pa. U. L. R.*); Zeitschrift fur Internationales Recht (*Zeitschrift Int. Recht*).

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[1] Limited to articles published in periodicals exchanged with the *American Journal of International Law.*

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HOPE K. THOMPSON.

ARTICLE 41

States which have not taken part in the war of 1914-1919 shall be permitted to adhere to the present convention.

This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering states.

ARTICLE 42

A state which took part in the war of 1914-1919 but which is not a signatory of the present convention may adhere only if it is a member of the League of Nations or until the 1st January, 1923, if its adhesion is approved by the Allied and Associated Powers signatories of the treaty of peace concluded with the said state. After the 1st January, 1923, this adhesion may be admitted if it is agreed to by at least three-fourths of the signatory and adhering states voting under the conditions provided by Article 34 of the present convention.

Applications for adhesions shall be addressed to the Government of the French Republic, which will communicate them to the other contracting Powers. Unless the state applying is admitted *ipso facto* as a member of the League of Nations, the French Government will receive the votes of the said Powers and will announce to them the result of the voting.

ARTICLE 43

The present convention may not be denounced before the 1st January, 1922. In case of denunciation, notification thereof shall be made to the Government of the French Republic, which shall communicate it to the other contracting parties. Such denunciation shall not take effect until at least one year after the giving of notice, and shall take effect only with respect to the Power which has given notice.

The present convention shall be ratified.

Each Power will address its ratification to the French Government, which will inform the other signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present convention will come into force for each signatory Power, in respect of other Powers, which have already ratified, forty days from the date of the deposit of its ratification.

On the coming into force of the present convention, the French Government will transmit a certified copy to the Powers which under the treaties of peace have undertaken to enforce rules of aerial navigation in conformity with those contained in it.

Done at Paris, the 13th day of October, 1919, in a single copy which shall remain deposited in the archives of the French Government and of which duly authorized copies shall be sent to the contracting states.

The said copy, dated as above, may be signed until the 12th day of April, 1920, inclusively.

In faith whereof the hereinafter-named plenipotentiaries, whose powers have been found in good and due form, have signed the present convention in the French, English, and Italian languages, which are equally authentic.

(L.S.)	HUGH C. WALLACE.	(L.S.)	S. PICHON.
(L.S.)	ROLIN-JAEQUEMYNS.	(L.S.)	N. POLITIS.
(L.S.)	ISMAEL MONTES.	(L.S.)	GUILLERMO MATOS PACHEO.
(L.S.)	RAUL FERNANDES.	(L.S.)	VITTORIO SCIALOJA.
(L.S.)	EYRE A. CROWE.	(L.S.)	K. MATSUI.
(L.S.)	GEORGE H. PERLEY.	(L.S.)	ANTONIO BURGOS.
(L.S.)	ANDREW FISHER.	(L.S.)	I. J. PADEREWSKI.
(L.S.)	R. A. BLANKENBERG.	(L.S.)	AFFONSO COSTA.
(L.S.)	THOMAS MACKENZIE.	(L.S.)	ALEX. VAIDA VOEVOD.
(L.S.)	EYRE A. CROWE.	(L.S.)	DR. ANTE TRUMBIC.
(L.S.)	V. K. WELLINGTON KOO.	(L.S.)	CHAROON.
(L.S.)	RAFAEL MARTINEZ ORTIZ.	(L.S.)	STEFAN OSUSKY.
(L.S.)	E. DORN Y DE ALSUA.	(L.S.)	J. A. BUERO.

ANNEX (H) [10]

CUSTOMS

General Provisions

1

Any aircraft going abroad shall depart only from aerodromes specially designated by the customs administration of each contracting state, and named "customs aerodromes."

Aircraft coming from abroad shall land only in such aerodromes.

[10] NOTE.—Certain divergencies appear to exist between the French, English and Italian texts of Annex H, all three of which have the same value. His Majesty's Government consider it desirable to call attention to these divergencies and to place on record the following suggestions for corrections in the English text of paragraphs 9, 11 and 17 of Annex H, which their representatives will eventually propose for consideration.

Paragraph 9 of the Annex is not clearly intelligible in either the French or English text. The following is suggested as an alternative to the English text of the third sub-paragraph:—

> "In the event of the establishment between two or more countries of a Federation of Touring Societies, the aircraft of the said countries shall have the benefit of the Triptyque system."

In paragraph 11 of the Annex there is a discrepancy between the French text and the English and Italian texts. The French text is apparently the correct version. The English text should therefore probably run as follows:—

> "With regard to goods exported in discharge of a 'temporary admission' bond, or exported from bonded warehouse or on drawback, the exporter shall produce as proof of exportation a certificate of landing from the customs at the place of destination."

2

Every aircraft which passes from one state into another is obliged to cross the frontier between certain points fixed by the contracting states. These points are shown on the aeronautical maps.

3

All necessary information concerning customs aerodromes within a state, including any alterations made to the list and any corresponding alterations necessary on the aeronautical maps and the dates when such alterations become valid, and all other information concerning any international aerodromes which may be established, shall be communicated by the state concerned to the International Commission for Air Navigation, which shall notify such information to all of the contracting states. The contracting states may agree to establish international aerodromes at which there may be joint customs services for two or more states.

4

When, by reason of a case of *force majeure*, which must be duly justified, an aircraft crosses the frontier at any other point than those designated, it shall land at the nearest customs aerodrome on its route. If it is forced to land before reaching this aerodrome it shall inform the nearest police or customs authorities.

It will only be permitted to leave again with the authorization of these authorities, who shall, after verification, stamp the log book and the manifest provided for in paragraph 5: they shall inform the pilot of the customs aerodrome where he must necessarily carry out the formalities of customs clearance.

5

Before departure, or immediately after arrival, according to whether they are going to or coming back from a foreign country, pilots shall show their log books to the authorities of the aerodrome and, if necessary, the manifest of the goods and supplies for the journey which they carry.

6

The manifest is to be kept in conformity with the attached form No. 1.[11]

Paragraph 17 of the Annex apparently refers entirely to Chapter VII of the Air Convention (State Aircraft, Articles 30-33). The English text should therefore apparently run as follows:—

"The provisions of this Annex do not apply to military aircraft visiting a State by special authorisation (Articles 30, 31 and 32 of the Convention), nor to police and customs aircraft (Articles 30 and 33 of the Convention)."

[11] Omitted from this SUPPLEMENT.

The goods must be the subject of detailed declarations in conformity with the attached form No. 2,[12] made out by the senders.

Every contracting state has the right to prescribe for the insertion either on the manifest or on the customs declaration of such supplementary entries as it may deem necessary.

7

In the case of an aircraft transporting goods the customs officer, before departure, shall examine the manifest and declarations, make the prescribed verifications and sign the log book as well as the manifest. He shall verify his signature with a stamp. He shall seal the goods or sets of goods, for which such a formality is required.

On arrival the customs officer shall ensure that the seal is unbroken, shall pass the goods, shall sign the log book and keep the manifest.

In the case of an aircraft with no goods on board, the log book only shall be signed by the police and customs officials.

The fuel on board shall not be liable to customs duties provided the quantity thereof does not exceed that needed for the journey as defined in the log book.

8

As an exception to the general regulations, certain classes of aircraft, particularly postal aircraft, aircraft belonging to aerial transport companies regularly constituted and authorized and those belonging to members of recognized touring societies not engaged in the public conveyance of persons or goods, may be freed from the obligation of landing at a customs aerodrome and authorized to begin or end their journey at certain inland aerodromes appointed by the customs and police administration of each state at which customs formalities shall be complied with.

However, such aircraft shall follow the normal air route, and make their identity known by signals agreed upon as they fly across the frontier.

Regulations Applicable to Aircraft and Goods

9

Aircraft landing in foreign countries are in principle liable to customs duties if such exist.

If they are to be reexported they shall have the benefit of the regulations as to permit by bond or deposit of the taxes.

In the case of the formation, between two or more countries of the Union, of touring societies, the aircraft of the said countries will have the benefit of the regulations of the "Tryptique."

10

Goods arriving by aircraft shall be considered as coming from the country where the log book and manifest have been signed by the customs officer.

[12] Omitted from this SUPPLEMENT.

As regards their origin and the different customs régimes, they are liable to the regulations of the same kind as are applicable to goods imported by land or sea.

11

With regard to goods exported in discharge of a temporary receiving or bonded account or liable to inland taxes, the senders shall prove their right to send the goods abroad by producing a certificate from the customs of the place of destination.

Air Transit

12

When an aircraft to reach its destination must fly over one or more contracting states, without prejudice to the right of sovereignty of each of the contracting states, two cases must be distinguished:

1. If the aircraft neither sets down nor takes up passengers or goods, it is bound only to keep to the normal air route and make itself known by signals when passing over the points designated for such purpose.

2. In other cases, it shall be bound to land at a customs aerodrome and the name of such aerodrome shall be entered in the log book before departure. On landing, the customs authorities shall examine the papers and the cargo, and take, if need be, the necessary steps to ensure the reexportation of the craft and goods or the payment of the dues.

The provisions of paragraph 9 (2) are applicable to goods to be reexported.

If the aircraft sets down or takes up goods, the customs officer shall verify the fact on the manifest, duly completed, and shall affix, if necessary, a new seal.

Various Provisions

13

Every aircraft during flight, wherever it may be, must conform to the orders from police or customs stations and police or customs aircraft of the state over which it is flying.

14

Customs officers and excise officials, and generally speaking the representatives of the public authorities shall have free access to all starting and landing places for aircraft; they may also search any aircraft and its cargo to exercise their rights of supervision.

15

Except in the case of postal aircraft, all unloading or throwing out in the course of flight, except of ballast, may be prohibited.

16

In addition to any penalties which may be imposed by local law for infringement of the preceding regulations, such infringement shall be reported to the state in which the aircraft is registered, and that state shall suspend for a limited time, or permanently, the certificate of registration of the offending aircraft.

17

The provisions of this annex do not apply to military aircraft visiting a state by special authorization (Articles 31, 32 and 33 of the Convention), nor to police and customs aircraft (Articles 31 and 34 of the Convention).

ADDITIONAL PROTOCOL TO THE CONVENTION FOR THE REGULATION OF AERIAL NAVIGATION OF OCTOBER 13, 1919, PROCÈS-VERBAL OF THE DEPOSIT OF RATIFICATIONS AND NOTIFICATION OF THE ACCESSION OF PERSIA [1]

No. 1

Additional Protocol to the Convention of October 13, 1919, relating to the Regulation of Aerial Navigation

The high contracting parties declare themselves ready to grant, at the request of signatory or adhering states who are concerned, certain derogations to Article 5 of the convention, but only where they consider the reasons involved worthy of consideration.

The requests should be addressed to the Government of the French Republic, who will lay them before the International Commission on Aerial Navigation provided for in Article 34 of the convention.

The International Commission on Aerial Navigation will examine each request, which may only be submitted for the acceptance of the contracting states if it has been approved by at least a two-thirds majority of the total possible number of votes, that is to say, of the total number of votes which could be given if the representatives of all the states were present.

Each derogation which is granted must be expressly accepted by the contracting states before coming into effect.

The derogation granted will authorize the contracting state profiting thereby to allow the aircraft of one or more named non-contracting states to fly over its territory, but only for a limited period of time fixed by the text of the decision granting the derogation.

At the expiration of this period the derogation will be automatically renewed for a similar period unless one of the contracting states has declared its opposition to such renewal.

Further, the high contracting parties decide to fix June 1, 1920, as the date up to which the present protocol may be signed, and, on account of the

[1] British Treaty Series, 1922, No. 11.

bearing which the present protocol has on the convention of October 13, 1919, to prolong until that date the period under which the above-mentioned convention may be signed.

Done at Paris, the first of May, nineteen hundred and twenty, in a single copy, which shall remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be transferred to the contracting states.

The said copy, dated as above, may be signed up to and inclusive of the first day of June, nineteen hundred and twenty.

In faith whereof, the undermentioned plenipotentiaries, whose powers have been found in good and due form, have signed the present protocol, of which the French, English and Italian text will be recognized as of equal validity.

HUGH C. WALLACE.
E. DE GAIFFIER.
J. C. ARTEAGA.
DERBY.
GEORGE H. PERLEY.
ANDREW FISHER.
THOMAS MACKENZIE.
R. A. BLANKENBERG.
DERBY.
VIKYUIN WELLINGTON KOO.
RAFAEL MARTINEZ ORTIZ.
E. DORN Y DE ALSUA.
A. MILLERAND.
A. ROMANOS.
BONIN.
K. MATSUI.
R. A. AMADOR.
ERASME PILTZ.
JOÃO CHAGAS.
D. J. GHIKA.
DR. ANTE TRUMBIČ.
CHAROON.
STEFAN OSUSKY.
J. C. BLANCO.

No. 2

Procès-verbal of the Deposit of Ratifications of the Convention for the Regulation of Aerial Navigation, dated Paris, October 13, 1919, and of the Additional Protocol to the said Convention, dated Paris, May 1, 1920

In accordance with the final clauses of the Convention for the Regulation of Aerial Navigation, dated Paris, the 13th October, 1919, signed by the United States of America, Belgium, Bolivia, Brazil, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Italy, Japan, Panama, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Czecho-Slovakia and Uruguay, and to which Peru, by declaration dated Paris, the 22nd June, 1920, Nicaragua, by declaration dated Paris, the 31st December, 1920, and Liberia, by declaration dated Paris, the 29th March, 1922, have acceded, the undersigned have met together at the Ministry for Foreign Affairs at Paris in order to proceed to the deposit of the ratifications of the said convention and to hand them over to the Government of the French Republic.

The instruments of ratification of Belgium, Bolivia, the British Empire, France, Greece, Portugal, the Serb-Croat-Slovene State and Siam being

produced, and, on examination, being found in good and due form, have been entrusted to the Government of the French Republic to be deposited in its archives.

The undersigned, representatives of Belgium, Bolivia, the British Empire, France, Greece, Portugal, the Serb-Croat-Slovene State and Siam, duly authorized, declare that their respective governments may postpone, as regards the signatory states which have not yet deposited their ratifications, as well as Spain, Switzerland, Norway, Sweden, the Netherlands, Denmark, Finland, Esthonia, Latvia and Monaco, the application of the provisions of Article 5 of the convention, until it may be possible to grant the derogations provided in the additional protocol to the said convention. The decisions adopted by the said governments, in regard to the above right to postpone the application of the provisions of the article so far as the states mentioned are concerned, shall be notified to the Government of the French Republic, which will communicate the information to the various contracting states. As soon as the International Commission for Aerial Navigation shall be constituted, these notifications shall be addressed to this Commission, which will inform the contracting states of them.

In accordance with the final clauses of the convention, the French Government will inform all the contracting states of the deposit of ratifications which are made subsequently.

A certified copy of the present *procès-verbal* shall be communicated by the French Government to all the signatory states.

In faith whereof the undersigned have signed the present *procès-verbal* and have affixed their seals thereto.

Done at Paris, the 1st June, 1922.

(L.S.)	E. DE GAIFFIER.	(L.S.)	P. METAXAS.
(L.S.)	FELIX AVELINO ARAMAYO.	(L.S.)	JOÃO CHAGAS.
(L.S.)	HARDINGE OF PENSHURST.	(L.S.)	M. BOSHKOVITCH.
(L.S.)	R. POINCARÉ.	(L.S.)	CHAROON.

No. 3

Procès-verbal of the Deposit of the Ratification of Japan of the Convention for the Regulation of Aerial Navigation, dated Paris, October 13, 1919, and of the Additional Protocol to the said Convention, dated Paris, May 1, 1920

In accordance with the final clauses of the Convention for the Regulation of Aerial Navigation, dated Paris, the 13th October, 1919, signed by the United States of America, Belgium, Bolivia, Brazil, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Italy, Japan, Panama, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Czecho-Slovakia and Uruguay, and to which Peru, by declaration dated Paris, the 22nd June, 1920, Nicaragua, by declaration dated Paris, the 31st December, 1920, and Liberia, by declaration dated Paris, the 29th March, 1922, have acceded, the Ambassador of Japan at Paris has presented himself at the

Ministry for Foreign Affairs at Paris in order to proceed to the deposit of the ratification of Japan of the said convention and to hand it over to the Government of the French Republic.

This instrument being produced and, on examination, being found in good and due form, has been entrusted to the Government of the French Republic to be deposited in its archives.

A certified copy of the present *procès-verbal* shall be communicated by the French Government to all the signatory states.

In faith whereof the undersigned have signed the present *procès-verbal* and have affixed their seals thereto.

Done at Paris, the 1st June, 1922.

(L.S.) K. ISHII.
(L.S.) R. POINCARÉ.

No. 4

M. Samad Khan, Minister of Persia at Paris, to M. A. Millerand, President of the Council, Minister for Foreign Affairs

Sir, PARIS, *April 9, 1920.*

By a telegram which I have just received from Tehran, the Government of His Majesty the Shah has instructed me to notify to the Government of the French Republic its adhesion to the Convention for the Regulation of Aerial Navigation of 1919, whilst pointing out that the Imperial Government reserves the right to prepare, to the extent possible, the new means and organizations required to carry out the clauses of this convention.

I avail, *&c.*

SAMAD KHAN.

TREATY BETWEEN THE UNITED STATES AND COSTA RICA CONCERNING EXTRADITION AND EXCHANGE OF NOTES CONCERNING DEATH PENALTY [1]

Signed at San José, November 10, 1922; ratifications exchanged April 27, 1923

The Republics of the United States of America and of Costa Rica, desiring to assure the prompt and efficient action of justice in punishing delinquents who attempt to escape the penalty prescribed by the laws of one country by taking refuge in the other, have resolved to conclude a treaty of extradition. For that purpose they have named as their respective plenipotentiaries:

The President of the United States of America, Mr. Roy Tasco Davis, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Costa Rica; and

The President of the Republic of Costa Rica, the Secretary of State in the Office of Foreign Relations, Señor José Andrés Coronado Alvarado;

[1] U. S. Treaty Series, No. 668.

Who, after having mutually communicated their full powers, and they being found in good and due form, have stipulated as follows:

ARTICLE I

It is agreed that the Government of the United States of America and the Government of Costa Rica shall, upon mutual requisition duly made as herein provided deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of this convention committed within the jurisdiction of one of the contracting parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of this convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary, poisoning or infanticide, as well as the attempt to commit these crimes.

2. Rape, abortion, carnal knowledge of children under the age of twelve years.

3. Bigamy.

4. Arson.

5. Willfull and unlawful destruction or obstruction of railroads, which endangers human life.

6. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

7. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

8. The act of breaking into and entering into the offices of the Government

and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

9. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

10. Forgery or the utterance of forged papers.

11. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

12. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, banknotes, or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

13. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Costa Rican equivalent).

14. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or Costa Rican equivalent)

15. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars, or more, (or Costa Rican equivalent).

17. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Costa Rican equivalent).

18. Perjury or subornation of perjury.

19. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Costa Rican equivalent).

20. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such par-

ticipation be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III

The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state, or against the President of either of the signatory Republics, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and, until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

ARTICLE VIII

Under the stipulations of this convention, neither of the contracting parties shall be bound to deliver up its own citizens or subjects. In each Republic, according to their respective laws, shall the citizenship of the delinquent be determined.

ARTICLE IX

The expense of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the contracting parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid, shall be duly respected.

ARTICLE XI

The stipulations of this convention shall be applicable to all territory, whatever may be its situation, belonging to one or the other of the contracting parties or which may be occupied and under the jurisdiction of the same.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of government, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as pro-

vided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as herein before provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of his or their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV

This treaty must be submitted for approval in the form prescribed by the laws of the two countries and shall take effect from the day of the exchange of the ratifications thereof; but either contracting party may at any time terminate it on giving to the other six months notice of its intention to do so.

The ratifications shall be exchanged in San José of Costa Rica or in Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of San José de Costa Rica this tenth day of November one thousand nine hundred and twenty-two.

[SEAL.] ROY TASCO DAVIS.
[SEAL.] J. A. CORONADO.

EXCHANGE OF NOTES

The Secretary of State for Foreign Relations of Costa Rica to the Minister of the United States

[Translation]

REPUBLIC OF COSTA RICA,
DEPARTMENT OF FOREIGN RELATIONS,
San José, November 10, 1922.

Mr. MINISTER:

I have the honor to inform Your Excellency that I have received instructions from the President of the Republic to declare on the part of the Government of Costa Rica, with reference to the extradition treaty that Your Excellency and the undersigned have just signed, that it is understood that the Government of the United States of America gives assurance that the death sentence will not be passed upon criminals surrendered by Costa Rica to the United States of America for any one of the crimes enumerated in the said treaty, and that that assurance will form an effective part of the treaty and that it will be so mentioned in its ratification.

I avail myself of this opportunity to renew to Your Excellency the assurance of my most distinguished consideration.

J. A. CORONADO.

The Most Excellent Mr. ROY T. DAVIS,
Envoy Extraordinary and
Minister Plenipotentiary of
the United States of America,
SAN JOSÉ.

The Minister of the United States to the Secretary of State for Foreign Relations of Costa Rica

LEGATION OF THE UNITED STATES OF AMERICA,
San José, Costa Rica, November 10, 1922.

EXCELLENCY:

In signing today with the Secretary of State for Foreign Affairs of the Republic of Costa Rica the extradition treaty which was negotiated between the Government of the United States and that of Costa Rica, the undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America has the honor to acknowledge and to take cognizance of the note of the Secretary of State for Foreign Affairs of this day's date, stating that he desires to place on record, on behalf of the Costa Rican Government, its understanding that the Government of the United States assures that the death penalty will not be enforced against criminals delivered by Costa Rica to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the United States, that no person charged with crime shall be extraditable from Costa Rica upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the treaty and will in effect form part of the treaty.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest and most distinguished consideration.

ROY T. DAVIS.

His Excellency,
SEÑOR DON JOSÉ ANDRÉS CORONADO,
Secretary of State for Foreign Affairs, Etc., Etc., Etc.,
SAN JOSÉ.

PROTOCOLS OF AMENDMENTS TO ARTICLES 4, 13, 15 AND 26 OF THE COVENANT OF THE LEAGUE OF NATIONS[1]

Adopted by the Second Assembly of the League of Nations, October 3, 4, and 5, 1921; British ratification deposited February 3, 1923

PROTOCOL OF AN AMENDMENT TO ARTICLE 4 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric Drummond, Secretary-General, adopted at its meeting of the 5th October, 1921, the following resolution, being an amendment to Article 4 of the Covenant:

> The following paragraph shall be inserted between the second and third paragraphs of Article 4:
>
> The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent members of the Council, and particularly such regulations as relate to their term of office and the conditions of reeligibility.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred

[1] British Treaty Series, 1923, No. 4.

and twenty-one, in a single copy, of which the French and English texts are both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

PROTOCOL OF AN AMENDMENT TO ARTICLE 13 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric Drummond, Secretary-General, adopted at its meeting of the 4th October, 1921, the following resolution, being an amendment to Article 13 of the Covenant:

> The members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration *or judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement*.
>
> Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement*.
>
> *For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.*
>
> The members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred and twenty-one, in a single copy, of which the French and English texts are

both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

PROTOCOL OF AN AMENDMENT TO ARTICLE 15 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric Drummond, Secretary-General, adopted at its meeting of the 4th October, 1921, the following resolution, being an amendment to Article 15 of the Covenant:

> The first paragraph of Article 15 shall read as follows:
> If there should arise between members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred and twenty-one, in a single copy, of which the French and English texts are both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

PROTOCOL OF AN AMENDMENT TO ARTICLE 26 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric

Drummond, Secretary-General, adopted at its meeting of the 3rd October, 1921, the following resolution, being an amendment to Article 26 of the Covenant:

> The first paragraph of Article 26 of the Covenant shall be replaced by the following text:
>
> Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the members of the Council represented at the meeting, will take effect when ratified by the members of the League whose representatives composed the Council when the vote was taken, and by the majority of those whose representatives form the Assembly.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred and twenty-one, in a single copy, of which the French and English texts are both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

PROTOCOL OF AN AMENDMENT TO ARTICLE 26 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric Drummond, Secretary-General, adopted at its meeting of the 3rd October, 1921, the following resolution, being an amendment to Article 26 of the Covenant:

> A paragraph reading as follows shall be added after the first paragraph of Article 26:
>
> If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of

the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred and twenty-one, in a single copy, of which the French and English texts are both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

PROTOCOL OF AN AMENDMENT TO ARTICLE 26 OF THE COVENANT

The Second Assembly of the League of Nations, under the Presidency of His Excellency Jonkheer H. A. van Karnebeek, with the Honorable Sir Eric Drummond, Secretary-General, adopted at its meeting of the 3rd October, 1921, the following resolution, being an amendment to Article 26 of the Covenant:

> The second paragraph of the present Article 26 shall be replaced by the two following paragraphs:
>
> The Secretary-General shall inform the members of the taking effect of an amendment.
>
> Any member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a member of the League.

The undersigned, being duly authorized, declare that they accept, on behalf of the members of the League which they represent, the above amendment.

The present protocol will remain open for signature by the members of the League; it will be ratified and the ratifications will be deposited as soon as possible with the Secretariat of the League.

It will come into force in accordance with the provisions of Article 26 of the Covenant.

A certified copy of the present protocol will be transmitted by the Secretary-General to all members of the League.

Done at Geneva, on the fifth day of October, one thousand nine hundred and twenty-one, in a single copy, of which the French and English texts are both authentic and which will be kept in the archives of the Secretariat of the League.

President of the Second Assembly:
VAN KARNEBEEK.
Secretary-General:
ERIC DRUMMOND.

CONVENTION INSTITUTING THE STATUTE OF NAVIGATION OF THE ELBE [1]

Signed at Dresden, February 22, 1922; British ratification deposited December 12, 1922

With a view to settle by common agreement, in accordance with the stipulations of the Treaty of Versailles of the 28th June, 1919, the regulations respecting navigation over the international system of the Elbe, Germany, acting on her own behalf and on behalf of the German States bordering on the Elbe, Belgium, France, Great Britain, Italy and Czechoslovakia, have appointed as their plenipotentiaries:

The President of the German Reich:

M. Arthur Seeliger, Minister Plenipotentiary;

M. Max Peters, Secretary of State, Privy Councillor;

M. Hans Gottfried von Nostitz-Drzewiecki, formerly Minister Plenipotentiary, Privy Councillor;

M. Johann Daniel Krönig, Councillor of State.

His Majesty the King of the Belgians:

M. Jules Brunet, Minister Plenipotentiary.

The President of the French Republic:

M. André Chargnéraud, President of the Central Commission of the Rhine.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Mr. John Grey Baldwin.

His Majesty the King of Italy:

Marquis Renier Paulucci de Calboli, Honorary Ambassador.

The President of the Republic of Czechoslovakia:

M. Bohuslav Müller, Minister Plenipotentiary, Secretary of State to the Ministry of Public Works;

M. Antonin Klir, Professor at the Czech Polytechnic High School of Prague;

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—INTERNATIONAL SYSTEM

ARTICLE 1

The international system of the Elbe, hereinafter designated by the name of the Elbe, comprises the Elbe from its confluence with the Vltava (Moldau) as far as the open sea and the Vltava from Prague to its confluence with the Elbe.

This system may be extended by the decision of the riparian state or states

[1] British Treaty Series, 1923, No. 3. [Cmd. 1833.]

territorially interested, subject to the unanimous consent of the Commission mentioned in Article 2.

CHAPTER II.—POWERS AND ORGANIZATION OF THE INTERNATIONAL COMMISSION OF THE ELBE

ARTICLE 2

The Commission set up by the Treaty of Versailles and composed, according to the terms of Article 340 of that treaty, of

4 representatives of the German States bordering on the Elbe,
2 representatives of the Czechoslovak State,
1 representative of Great Britain,
1 representative of France,
1 representative of Italy,
1 representative of Belgium,

is charged:

(*a.*) To supervise the conservation of the freedom of navigation, the maintenance in good order of the navigable channel and the improvement of that channel;

(*b.*) To pronounce upon complaints arising out of the application of the present convention and likewise of the regulations which it contemplates;

(*c.*) To decide whether the tariffs applied are in accordance with the conditions laid down by the present convention;

(*d.*) To pronounce upon the claims preferred in appeal before it;

(*e.*) And, in general, to exercise the powers arising out of the provisions of the present convention.

The Commission will secure that all inquiries and inspections which it judges useful are carried out by the persons appointed by it for that purpose. It must provide for the participation of the authorities of the riparian states in all inspections and journeys carried out by itself or by persons appointed by it.

ARTICLE 3

The statutory seat of the Commission is fixed at Dresden.

ARTICLE 4

The presidency will be held by each of the members in turn as laid down by the Commission, from the beginning of one ordinary obligatory session until the opening of the next ordinary obligatory session.

ARTICLE 5

The Commission will normally hold two ordinary sessions a year, each as far as possible in the same month, whereof one will be obligatory and the other optional. It shall, further, assemble in extraordinary session, either

on the initiative of its President or in response to a demand put forward by at least two delegations.

The summons to the sessions must be addressed to the members at least three weeks ahead.

ARTICLE 6

The deliberations of the Commission will only be valid if four delegations, representing at least six votes, are present or represented.

The decisions of the Commission will be taken by a majority of votes, save in the cases mentioned in the present convention where a special majority is required.

The President has no casting vote when the votes are equally divided.

Whatever the number of its members present, each delegation shall have a number of votes equal to that of the representatives to which it is entitled.

ARTICLE 7

A secretariat shall be set up at the seat of the Commission, comprising a Secretary-General and an Assistant Secretary-General, aided by the necessary staff.

The members of the secretariat shall be appointed, paid and dismissed by the Commission.

The Secretary-General and the Assistant Secretary-General shall be chosen by the unanimous vote of the Commission. They may not belong to the same nationality.

The Secretary-General is in particular entrusted

(*a.*) With the custody of the archives;

(*b.*) With the despatch of the current business of the Commission;

(*c.*) With the submission to the Commission of an annual report on the shipping situation and on the navigable state of the river.

The Assistant Secretary-General will take part in the preparation of all the business, and in the absence of the Secretary-General will take his place.

ARTICLE 8

The delegates, the Secretary-General and his assistant will enjoy the usual diplomatic privileges. They, and the persons appointed by the Commission, will receive from the riparian states all facilities necessary for the execution of their duties.

ARTICLE 9

The French text is valid for the interpretation of the Statutes of the Commission.

ARTICLE 10

The expenses and emoluments of the delegates will be borne by the governments which they represent.

The general expenses of the Commission will be distributed among the states represented in proportion to the number of delegates to which they are entitled, in so far as they are not covered by other resources which the Commission may decide to establish.

ARTICLE 11

The Commission will fix by domestic regulation the details of the provisions regarding its procedure and its organization.

CHAPTER III.—RÉGIME REGARDING NAVIGATION

§ 1. *Freedom of Navigation and Equality of Treatment*

ARTICLE 12

Navigation on the Elbe is open without restriction to the ships, boats and rafts of all nations, provided they comply with the stipulations of the present convention.

ARTICLE 13

The nationals, goods and flags of all nations shall be treated in all respects on a footing of complete equality, so that no distinction shall be made prejudicial to the nationals, goods and flag of any one Power in relation to the nationals, goods and flag of the riparian state itself, or of the state whose nationals, goods and flag enjoy the most favorable treatment.

§ 2. *Duties and Charges*

ARTICLE 14

Apart from customs duties, local dues and taxes on consumption and likewise taxes mentioned in the present convention, no duty, impost, charge or toll of any kind directly affecting navigation shall be collected.

§ 3. *Transit*

ARTICLE 15

Transit on the Elbe is free, whether it is carried out directly or after transshipment or after storage in bond.

No duty shall be collected in respect of such transit.

§ 4. *Customs Formalities*

(*A.*)—*Direct transit*

ARTICLE 16

The master, owner or raftsman crossing in direct transit the territory lying within the customs frontiers of a riparian state has the right to continue his voyage without any previous verification of his cargo, on condition either of closing the apertures giving access to the hold which are not already closed,

or of admitting on board official watchers, or, finally, of submitting to both these customs formalities together. The watchers are only entitled to free lodging, fire, light and food.

At departure, the customs are entitled to proceed to verify the seals.

The riparian states reciprocally recognize their customs seals. The enjoyment of this provision will be extended to the other states whose seals are affixed under similar conditions.

Except in cases where a legitimate suspicion of smuggling founded upon proved facts can be alleged or where the customs seals have been broken, the authorities of the state through which transit takes place cannot demand the production of the manifest (Article 35) of the ship or boat which has already been sealed. This manifest, drawn up in duplicate, must be signed by the authority affixing the seals. One copy will be handed to that authority; the other must be retained on board.

Article 17

When exceptional circumstances or some accident calculated to compromise the safety either of the ship or boat or of the cargo compel a master or owner to reopen the apertures giving access to the hold, he will, for that purpose, apply to the officials of the nearest custom house and await their arrival. If the danger is imminent and he cannot wait, he must inform the nearest local authority, who will proceed to open the hold, and draw up a report upon the fact.

When a master or owner has taken measures upon his own responsibility without demanding or awaiting intervention by the officials of the customs or of the local authority, he must prove in a satisfactory manner that the safety either of the ship or boat or of the cargo depended upon it, or that he was compelled to act in this way in order to avoid a pressing danger. In such a case he must, immediately after the danger has been averted, inform the officials of the nearest custom house, or, if he cannot find them, the nearest authority whom he can find so that he may place the matter upon record.

He must take similar action in the event of the seals being accidentally broken.

Article 18

In cases where, owing to the circumstances indicated in the preceding article, a master, owner or raftsman is obliged to put in to places other than those mentioned in Article 24, paragraph 1, he must comply with the following conditions:

1. If he puts in to a place where there is a customs office, he is bound to present himself there and to carry out the instructions which he will receive.

2. If there be no customs office in the place where he puts in, he must at once notify his arrival to the local authority, who will draw up a report of the

circumstances which have compelled him to put in, and inform the nearest customs office in the same territory.

3. If, to avoid exposing the goods to other risks, it is considered expedient to unload the ship, boat or raft, the master, owner or raftsman is bound to submit to all legal measures designed to prevent clandestine importation. The goods which he reloads to continue his voyage will not be subjected to any import or export duty.

The provisions of Article 17, paragraph 2, are applicable to a master, owner or raftsman in the event of his acting upon his own authority without demanding intervention by the officials of the local customs or of the local authority.

ARTICLE 19

When a master, owner or raftsman is convicted of having attempted smuggling, he cannot invoke the freedom of navigation of the Elbe to secure either his person or the goods which he desired fraudulently to import or export against proceedings directed against him by the customs officials, under pain of the seizure of the rest of the cargo founded upon such an attempt, or, in general, of the institution against him of more rigorous proceedings than those prescribed by the legislation in force in the riparian state where the act of smuggling has been established.

If the customs offices of a state discover a discrepancy between the cargo and the manifest, the laws in force in the country against false declarations shall be applied against the master, owner or raftsman.

(B.)—Transit with transshipment or lightering

ARTICLE 20

The provisions of Articles 16 to 19 are also applicable to transit with transshipment or lightering, subject to the following conditions:

The master or owner who desires to transship the whole or a part of his cargo or to lighter his ship or boat will notify his intention to the competent authority of the riparian state, who will remove the seals, supervise the transshipment or lightering operations and, if necessary, affix new seals. That authority will check the list of goods discharged and deliver a copy thereof to the master or owner to be annexed to the manifest. The latter will then, if necessary, be authorized to pursue his voyage, subject to the same conditions as before.

A manifest signed by the competent authority will be prepared of the goods discharged and reshipped on the Elbe upon another ship or boat. That authority is likewise entitled to affix seals upon this ship or boat.

All the other goods are subject to the provisions of Article 22.

ARTICLE 21

At places on the Elbe where the transshipment of goods or the lightering of ships or boats generally takes place, the necessary services must be insti-

tuted and organized in order that the formalities mentioned in Article 20 can be carried out in accordance with the needs of navigation.

The list of these places will be drawn up by the riparian states and approved by the Commission.

(C.)—Import, export, transit with a change in the method of transport, warehousing in bond

ARTICLE 22

As regards goods for import, export or in transit with a change in the method of transport, and likewise goods warehoused in bond, the customs formalities will be regulated in accordance with the general legislation of the riparian state on whose territory these operations are carried out.

§ 5. *General Provisions*

ARTICLE 23

All facilities which may be granted by any one of the riparian states on other routes by land or water for import, export or transit effected under the same conditions will also be granted for import, export and transit on the Elbe.

Import and export duties on goods in ports situated on this waterway may not be higher than those imposed on goods of the same kind, the same origin and the same destination entering or leaving by any other frontier.

§ 6. *Régime of Ports*

ARTICLE 24

Each of the riparian states will notify to the Commission all public ports and places, throughout the extent of its territory, where masters, owners and raftsmen are allowed to discharge or embark cargo or to take shelter. The same procedure shall be observed in the case of private ports and landing stages.

As regards the utilization of public ports and places and of their equipment, and particularly the assignment of fixed quay berths, the nationals, goods and flags of all nations shall be treated in all respects on a footing of perfect equality, so that no distinction is made prejudicial to the nationals, goods and flag of any Power whatever in its relation with the nationals, goods and flag of the riparian state itself or with the state whose nationals, goods and flag enjoy the most favorable treatment.

ARTICLE 25

The riparian states will secure that in the public ports and places mentioned in Article 24 all necessary measures are taken in accordance with traffic requirements to facilitate loading, unloading and warehousing of merchan-

dise in bond, and, in general, that the equipment is maintained in good condition.

The assignment of fixed quay berths and other installations in the public ports can only be made within reasonable limits, fully compatible with unfettered carrying on of navigation.

The riparian states will further place at the disposal of navigation the accommodation necessary for carrying on the operations mentioned in Article 21.

ARTICLE 26

The utilization of the works and installations in public ports and places of embarkation and disembarkation may give rise to the collection of reasonable dues and charges, on a footing of equality for all flags. The tariffs will be communicated to the Commission and posted in the ports.

Dues and charges may only be levied in so far as the works and installations for the use of which they have been fixed are put to effectual use.

§ 7. *Public Services*

ARTICLE 27

Every public service established in the interests of navigation upon the Elbe or in a port situated on that waterway must be subject to public tariffs uniformly applied and so adjusted as not to exceed the cost of the service rendered. These tariffs will be communicated to the Commission.

These provisions will apply in particular to the pilotage services both up-stream to and down-stream from Hamburg and Harburg. Above these ports, pilotage is not compulsory.

§ 8. *Conditions requisite for Navigation*

ARTICLE 28

No ship, boat or raft may navigate the Elbe without having on board the holder of a navigation permit responsible for the management of the ship, boat or raft, assisted by the crew prescribed by the regulations of the river police, save for the exceptions provided by these regulations.

ARTICLE 29

The navigation permit is granted under the conditions fixed by the regulation mentioned in Article 30:

1. To candidates who have a fixed residence in one of the riparian states, by the authorities of that state;

2. To candidates who do not have a fixed residence in one of the riparian states, either by the authorities of one of the riparian states or by the Commission.

ARTICLE 30

To obtain a permit, it is necessary to have been engaged in navigation on the Elbe and to have successfully submitted to a test of capacity. The conditions to be satisfied and the scope of the test will be determined by a regulation established in the manner mentioned in Article 37 for the regulations of the river police.

ARTICLE 31

Each navigation permit will enumerate the types of engines afloat which the holder of the permit is authorized to drive, and the sections of the waterway over which he has navigation rights.

The permit is valid whatever be the nationality of the ship, boat or raft steered by the holder.

ARTICLE 32

The authority who granted the permit alone has the right to withdraw it.

The Commission may, however, demand the withdrawal of a permit, the holder of which has given proof of a degree of incompetence involving danger to navigation.

The permit must be withdrawn from the holder who has been convicted of serious and repeated offenses against the regulations regarding the safety of navigation and the river police, or of repeated acts of smuggling or of offenses against property.

ARTICLE 33

Every member of the crew of a ship sailing upon the Elbe must be provided with identity papers (*carnet de route*), issued subject to the conditions fixed in Article 29, and in accordance with a form laid down by the Commission.

ARTICLE 34

Every ship or boat sailing upon the Elbe must be provided with a certificate testifying that it has in all respects satisfied the conditions of security necessary for navigation on the part of the river which it traverses, such conditions being fixed in a regulation laid down in the manner indicated in Article 37 for the regulations of the river police.

The certificate of navigability is issued by the competent authorities of the riparian states in the cases of ships and boats belonging to their nationals. Each of the contracting states may propose for acceptance by the Commission organized bodies specially qualified for the issue of this certificate.

If a riparian state deems it necessary at its own expense to check the statements contained in the certificate, such control may, in the case of laden vessels, only extend to the external dimensions of the boat.

Rafts must conform with the conditions fixed by a regulation, laid down in the manner mentioned in paragraph 1.

ARTICLE 35

Every ship, boat or raft sailing on the Elbe must have on board a list of the crew and, if necessary, a manifest specifying the weight and nature of the goods carried, the number and nature of the packages and the marks borne by them and likewise their places of loading and unloading. In the case of rafts, the manifest will specify the number, kind and weight of the timber floated.

ARTICLE 36

The provisions of Articles 28 to 35 are not applicable either to ocean-going ships sailing between the open sea and Hamburg and Harburg, or to boats normally used for inland navigation over this section.

When ocean-going ships sail above the ports mentioned in the foregoing paragraph, the members of the crew will not be subject to the provisions of Article 33

§ 9. *Police Regulations*

ARTICLE 37

The riparian states will submit drafts of regulations for the river police to the Commission, which will fix the definitive text of these regulations. These latter must be as uniform as possible, and will be put in force in each of these states by legislative or administrative action on the part of the state called upon to secure their application.

The riparian states will communicate to the Commission the regulations which they issue respecting the policing and use of the ports.

ARTICLE 38

The riparian states will communicate to the Commission the legislative and administrative measures respecting the police in general and all other matters calculated to be of interest to navigation. These measures must not, either by reason of their tenor or in their application, hinder, except for adequate reasons, the free exercise of navigation.

CHAPTER IV.—WORKS AND INSTALLATIONS

ARTICLE 39

Each riparian state is bound to carry out at its own expense the works for the maintenance of the channel and towing-paths in use and installations to ensure the running of such works and likewise lighting and buoying, to adopt the measures necessary to remove any obstacles or dangers to navigation and generally to maintain navigation in good order.

If, while ensuring the maintenance mentioned in the preceding paragraph,

a riparian state effects improvements, it must also bear the cost of all current work thereby entailed.

ARTICLE 40

On the section constituting a frontier between Germany and Czechoslovakia, the two riparian states will determine by common accord the mode of execution of the works mentioned in Article 39, and also the apportioning of expenditure between them. Failing such an understanding, the decision will be with the Commission.

ARTICLE 41

The riparian states will furnish the Commission with a summary description of all works other than those mentioned in Article 39 which they propose to execute or authorize on the Elbe. This provision is alike applicable to works of improvement executed in the interests of navigation and to all other works, such, in particular, as defense works against inundations and likewise works affecting irrigation and the use of hydraulic energy.

The Commission may only prohibit the execution of such works in so far as they might entail consequences prejudicial to navigation. In its decisions the Commission must take into consideration all the interests of the riparian state proposing to execute or authorize these works.

If within a period of two months from the date of the communication the Commission has drawn up no observations, the execution of the said works may without further formalities be taken in hand. In the contrary event the Commission must come to a definite decision as speedily as possible, and at the latest within the four months following the expiration of the first period.

ARTICLE 42

The Commission may, on the ground of exceptional circumstances, decide that the expenditure on the carrying out of large improvement works and eventually the supplementary costs of maintenance entailed by such works or the running expenses of the installations the construction of which they may entail, may be covered wholly or partly by dues fixed at moderate rates. The proposed tariff, containing in particular the date proposed for the inception of the collection, must be submitted to the Commission with the plan of the works. No dues may be fixed or collected without the express approval of the Commission, whose vote is only valid if it expresses the opinions of at least seven delegates. The Commission has the power to impose a definite limit upon the period during which the dues may be collected. These dues may only be levied on the classes of ships, boats and rafts for which navigation has been made possible or facilitated by the works. They must not in any case exceed, for each of the various classes of ships, boats and rafts, the cost of the service rendered. The yield of the dues must be exclusively devoted to the works which led to their institution.

ARTICLE 43

On the basis of the proposals of a riparian state, the Commission may settle a programme of improvement works of which the execution would be a matter of primary interest.

Save where there is reasonable ground of opposition on the part of one of the riparian states, founded either upon the actual conditions of navigability within its own territory, or upon other interests, such, for example, as the maintenance of the normal regulation of the water, the needs of irrigation, the use of hydraulic energy or the need for the construction of other and more advantageous means of communication, a riparian state may not refuse to execute the works included in the said programme, on condition that it is not bound to assume a direct share of the expenses.

These works, however, may not be undertaken in the event of the state upon whose territory they are to be executed opposing them on the score of vital interests.

CHAPTER V.—TRIBUNALS

ARTICLE 44

The riparian states will inform the Commission of the headquarters and scope of jurisdiction of the tribunals called upon to adjudicate upon contraventions of the provisions laid down by the regulations for river police, and also other matters affecting navigation, which will be specified in a subsequent convention. The seat of these tribunals must be situated in localities as near the river as possible.

ARTICLE 45

The procedure of the tribunals mentioned in Article 44 will be regulated by the legislation of each riparian state.

It must be as simple and prompt as possible.

ARTICLE 46

Appeals from sentences pronounced by the said tribunals may be brought, at the desire of the parties, either before the court of the country in which the sentence was pronounced or before the Commission deciding disputed points.

ARTICLE 47

The procedure for appeal before the Commission and also the details of the provisions of the present chapter will be settled by the convention mentioned in Article 44. This convention, supplementary to the present convention, will be elaborated and concluded in the same conditions as the latter.

CHAPTER VI.—MISCELLANEOUS PROVISIONS

§ 1. *Unification of Regulations applicable in regard to Commerce and Navigation upon the Elbe*

ARTICLE 48

The Commission will provide, particularly by drawing up draft conventions for submission to the interested states, for the unification of the law and regulations applicable as regards commerce and navigation upon the Elbe and also of the general conditions governing the labor of the personnel employed in inland navigation upon that waterway.

§ 2. *Application of the Convention in War Time*

ARTICLE 49

The provisions of the present convention continue valid in time of war to the fullest extent compatible with the rights and duties of belligerents and neutrals.

If occurrences in time of war compel Germany to take measures calculated to hinder Czechoslovakia from free transit upon the Elbe, Germany undertakes to place at the disposal of Czechoslovakia, save in the case of physical impossibility, another route, as nearly as possible equivalent, subject to the observance of the measures of military security which would be required.

§ 3. *Ferries*

ARTICLE 50

The provisions of the present convention do not apply either to ferries or to other means of passage from one bank to the other.

§ 4. *Previous Statutes*

ARTICLE 51

The treaties, conventions, statutes and agreements relative to the Elbe remain in force as regards all their clauses which are not contrary to the provisions of the present convention.

§ 5. *Settlement of Disputes*

ARTICLE 52

The Commission will decide all questions regarding the interpretation and application of the present convention.

In the event of a dispute arising out of its decisions on the ground of incompetence or of violation of the convention, each of the contracting states may refer it to the League of Nations, according to the procedure laid down for the regulation of disputes. the Commission having first reported that it has exhausted all means of conciliation. On all other grounds, the appeal for a settlement of the dispute may only be presented by the state territorially interested.

§ 6. *Ratification and Enforcement*

ARTICLE 53

The ratifications of the present convention will be deposited with the Secretariat-General of the Commission within as brief an interval as possible and, at the latest, by the 31st March, 1923.

The Convention will come into force three months after the closure of the *procès-verbal* of the deposit of ratifications.

In faith whereof the above-named plenipotentiaries have signed the present convention, drawn up in a single copy, which will be deposited in the archives of the International Commission of the Elbe, and of which an authenticated copy will be despatched to each of the signatory Powers.

Done at Dresden, the 22nd February, 1922.

(L.S.)	SEELIGER.	(L.S.)	A. CHARGUÉRAUD.
(L.S.)	PETERS.	(L.S.)	JOHN BALDWIN.
(L.S.)	VON NOSTITZ.	(L.S.)	PAULUCCI DI CALBOLI.
(L.S.)	KRÖNIG.	(L.S.)	BOHUSLAV MÜLLER, *Engineer.*
(L.S.)	J. BRUNET.	(L.S.)	DR. KLIR, *Engineer.*

Protocole de Clôture

At the moment of proceeding to the signature of the Statute of Navigation of the Elbe and for the purpose of defining its intent, the undersigned plenipotentiaries are agreed as follows:

Ad ARTICLE 1

It is understood that the Commission will be called upon to fix in a definite manner the extreme point up-stream of the international system of the Vltava.

Ad ARTICLE 3

It is understood that the Commission may hold sessions away from its seat when it judges it expedient.

Ad ARTICLE 4

It is understood that two delegates of the same nationality may not immediately succeed one another in the presidency, and that the same delegate may be president only once in a period of ten years.

Ad ARTICLE 10

It is understood that, with a view to the application of Article 10, the provisions of Article 26 do not exclude the collection by instalment of the dues mentioned in the latter article.

Ad ARTICLE 15

1. It is understood that the prohibition mentioned in paragraph 2 of Article 15 does not apply to dues collected by the customs authorities when

their services are enlisted outside the hours when the offices are open or away from the fixed places where the customs formalities should be carried out. The staff employed on these operations must not exceed that which is strictly necessary.

2. Germany undertakes to permit the Czechoslovak postal administration to effect the transport upon the Elbe in transit, without transshipment, in sealed holds, of postal packages proceeding from or destined for the Czechoslovak Republic. It is understood that the postal packages in question may not contain the objects enumerated in Article 2 of the Universal Postal Convention of Madrid of the 30th November, 1920. Germany undertakes not to subject this transit to any postal transit dues or charges. The formalities regulating the execution of this undertaking will form the subject of a special agreement between the two states, which will come into force on the same date as the Statute of Navigation.

Ad ARTICLE 32

It is understood that the provisions of Article 32 entail no infringement of the right legally belonging to the holder of a permit to appeal against the decision to withdraw it.

Ad ARTICLE 39

It is understood that the measure of navigability of the Elbe which must be maintained by the works mentioned in Article 39 must not be inferior to that existing in 1914.

Ad ARTICLE 42

It is understood that the provisions of Article 42 entail no infringement of the rights and obligations arising out of paragraph 53 of the Additional Act of the 13th April, 1844, and likewise out of Article 1 of the treaty of the 22nd June, 1870, in its bearing upon the said paragraph 53.

Ad ARTICLES 44 to 47

It is understood that the tribunals mentioned in Articles 44 to 47 also include the administrative authorities called upon to inflict penalties in the case of contraventions of the regulations of the river police.

Ad ARTICLE 47

It is understood that the provisions of Article 47 do not prejudice the rights and obligations arising out of the Treaty of Versailles.

Ad ARTICLE 49

1. It is understood that the use of the new route mentioned in Article 49 may be brought into complete harmony with the rights and duties of belligerents and neutrals.

2. In the case mentioned in paragraph 2 of Article 49 where, in consequence

of physical impossibility, a route as nearly as is possible equivalent to the Elbe would not be afforded to Czechoslovakia, the signatory states will endeavor to provide the latter with other means of communication with the sea.

It is further understood that, for the application of all the articles of the Statute of Navigation of the Elbe, where there is allusion to riparian states and states territorially concerned, the reference includes Germany.

In faith whereof, the undersigned have drawn up the present protocol, which will have the same force and duration as the Statute to which it relates.

Done at Dresden, the 22nd February, 1922.

SEELIGER.	A. CHARGUÉRAUD.
PETERS.	JOHN BALDWIN.
VON NOSTITZ.	PAULUCCI DI CALBOLI.
KRÖNIG.	BOHUSLAV MÜLLER, *Engineer.*
J. BRUNET	DR. KLIR, *Engineer.*

GENERAL REPORT OF THE COMMISSION OF JURISTS AT THE HAGUE [1]

PART I

Rules for the Control of Radio in Time of War

The regulation of the use of radio in time of war is not a new question. Several international conventions already contain provisions on the subject, but the ever increasing development of this means of communication has rendered it necessary that the whole matter should be reconsidered, with the object of completing and coordinating existing texts. This is the more important in view of the fact that several of the existing international conventions have not been ratified by all the Powers.

The articles of the existing conventions which deal directly or indirectly with radio telegraphy in time of war are as follows:

The Land War Neutrality Convention (No. V of 1907) prohibits in Article 3 the erecting of radio stations by belligerents on neutral territory and also the use by belligerents of any radio station established on neutral territory before the war for purely military purposes and not previously opened for the service of public messages. Article 5 obliges the neutral Power not to allow any such proceeding by a belligerent.

Under Article 8 a neutral Power is not bound to forbid or restrict the employment on behalf of belligerents of radio stations belonging to it or to companies or private individuals.

Under Article 9 the neutral Power must apply to the belligerents impartially the measures taken by it under Article 8 and must enforce them on private owners of radio stations.

Article 8 of the Convention for the Adaptation of the Geneva Convention to Maritime Warfare (No. X of 1907) provides that the presence of a radio installation on board a hospital ship does not of itself justify the withdrawal of the protection to which a hospital ship is entitled so long as she does not commit acts harmful to the enemy.

Under the Convention concerning Neutral Rights and Duties in Maritime Warfare (No. XIII of 1907) belligerents are forbidden, as part of the general prohibition of the use of neutral ports and waters as a base of naval operations, to erect radio stations therein, and under Article 25 a neutral Power is bound to exercise such supervision as the means at its disposal permit to prevent any violation of this provision.

The unratified Declaration of London of 1909, which was signed by the Powers represented in the Naval Conference as embodying rules which corresponded in substance with the gener-

[1] Printed from text supplied by the Department of State.

ally recognized principles of international law, specified in Articles 45 and 46 certain acts in which the use of radio telegraphy might play an important part as acts of unneutral service. Under Article 45 a neutral vessel was to be liable to condemnation if she was on a voyage specially undertaken with a view to the transmission of intelligence in the interest of the enemy. Under Article 46 a neutral vessel was to be condemned and receive the same treatment as would be applicable to an enemy merchant vessel if she took a direct part in hostilities or was at the time exclusively devoted to the transmission of intelligence in the interest of the enemy. It should be borne in mind that by Article 16 of the Rules for Aerial Warfare an aircraft is deemed to be engaged in hostilities if in the interests of the enemy she transmits intelligence in the course of her flight.

The following provisions have a bearing on the question of the control of radio in time of war, though the conventions relate principally to radio in time of peace. These provisions are Articles 8, 9 and 17 of the International Radio Telegraphic Convention of London of 1912. Of these provisions Article 8 stipulates that the working of radio telegraph stations shall be organized as far as possible in such a manner as not to disturb the service of other radio stations. Article 9 deals with the priority and prompt treatment of calls of distress. Article 17 renders applicable to radio telegraphy certain provisions of the International Telegraphic Convention of St. Petersburg of 1875. Among the provisions of the convention of 1875 made applicable to radio telegraphy is Article 7, under which the high contracting parties reserve to themselves the right to stop the transmission of any private telegram which appears to be dangerous to the security of the state or contrary to the laws of the country, to public order or to decency. Under Article 8, each government reserves to itself the power to interrupt, either totally or partially, the system of the international telegraphs for an indefinite period if it thinks necessary, provided that it immediately advises each of the other contracting governments.

Regard has also been given to the terms of the Convention for the Safety of Life at Sea, London, 1914.

With regard to the radio telegraphy conventions applicable in time of peace, it should be remembered that these have not been revised since 1912 and that it is not unlikely that a conference may before long be summoned for the purpose of effecting such revision.

The work of the Commission in framing the following rules for the control of radio in time of war has been facilitated by the preparation and submission to the Commission on behalf of the American Delegation of a draft code of rules. This draft has been used as the basis of its work by the Commission.

The first article which has been adopted cannot be appreciated without reference to Article 8 of the Radio Telegraphic Convention of 1912. This latter article enunciates the broad principle that the operation of radio stations must be organized as far as possible in such a manner as not to disturb the service of other stations of the kind. The object of Article 1 is to demonstrate that this principle is equally to prevail in time of war. Needless to say it is not to apply as between radio stations of opposing belligerents. In the same way as in time of peace the general principle cannot be applied absolutely, so also in time of war it can only be observed "as far as possible".

Article 1

In time of war the working or radio stations shall continue to be organized, as far as possible, in such manner as not to disturb the services of other radio stations. This provision does not apply as between the radio stations of opposing belligerents.

Article 2

Belligerent and neutral Powers may regulate or prohibit the operation of radio stations within their jurisdiction.

ARTICLE 3

The erection or operation by a belligerent Power or its agents of radio stations within neutral jurisdiction constitutes a violation of neutrality on the part of such belligerent as well as on the part of the neutral Power which permits the erection or operation of such stations.

ARTICLE 4

A neutral Power is not called upon to restrict or prohibit the use of radio stations which are located within its jurisdiction, except so far as may be necessary to prevent the transmission of information destined for a belligerent concerning military forces or military operations and except as prescribed by Article 5.

All restrictive or prohibitive measures taken by a neutral Power shall be applied impartially by it to the belligerents.

ARTICLE 5

Belligerent mobile radio stations are bound within the jurisdiction of a neutral state to abstain from all use of their radio apparatus. Neutral governments are bound to employ the means at their disposal to prevent such use.

ARTICLE 6

1. The transmission by radio by a vessel or an aircraft, whether enemy or neutral, when on or over the high seas of military intelligence for the immediate use of a belligerent is to be deemed a hostile act and will render the vessel or aircraft liable to be fired upon.

2. A neutral vessel or neutral aircraft which transmits when on or over the high seas information destined for a belligerent concerning military operations or military forces shall be liable to capture. The prize court may condemn the vessel or aircraft if it considers that the circumstances justify condemnation.

3. Liability to capture of a neutral vessel or aircraft on account of the acts referred to in paragraphs 1 and 2 is not extinguished by the conclusion of the voyage or flight on which the vessel or aircraft was engaged at the time, but shall subsist for a period of one year after the act complained of.

ARTICLE 7

In case a belligerent commanding officer considers that the success of the operation in which he is engaged may be prejudiced by the presence of vessels or aircraft equipped with radio installations in the immediate vicinity of his armed forces or by the use of such installations therein, he may order neutral vessels or neutral aircraft on or over the high seas:

1. To alter their course to such an extent as will be necessary to prevent their approaching the armed forces operating under his command; or

2. not to make use of their radio transmitting apparatus while in the immediate vicinity of such forces.

A neutral vessel or neutral aircraft, which does not conform to such direction of which it has had notice, exposes itself to the risk of being fired upon. It will also be liable to capture, and may be condemned if the prize court considers that the circumstances justify condemnation.

ARTICLE 8

Neutral mobile radio stations shall refrain from keeping any record of radio messages received from belligerent military radio stations, unless such messages are addressed to themselves.

Violation of this rule will justify the removal by the belligerent of the records of such intercepted messages.

ARTICLE 9

Belligerents are under obligation to comply with the provisions of international conventions in regard to distress signals and distress messages so far as their military operations permit.

Nothing in these rules shall be understood to relieve a belligerent from such obligation or to prohibit the transmission of distress signals, distress messages and messages which are indispensable to the safety of navigation.

ARTICLE 10

The perversion of radio distress signals and distress messages prescribed by international conventions to other than their normal and legitimate purposes constitutes a violation of the laws of war and renders the perpetrator personally responsible under international law.

ARTICLE 11

Acts not otherwise constituting espionage are not espionage by reason of their involving violation of these rules.

ARTICLE 12

Radio operators incur no personal responsibility from the mere fact of carrying out the orders which they receive in the performance of their duties as operators.

PART II

Rules of Aerial Warfare

In the preparation of the code of rules of aerial warfare the Commission worked on the basis of a draft submitted by the American Delegation. A similar draft, covering in general the same ground, was submitted by the British Delegation. In the discussion of the various articles adopted by the Commission the provisions contained in each of these drafts were taken into consideration, as well as amendments and proposals submitted by other delegations.

CHAPTER I

Applicability: Classification and Marks

No attempt has been made to formulate a definition of the term "aircraft", nor to enumerate the various categories of machines which are covered by the term. A statement of the broad principle that the rules adopted apply to all types of aircraft has been thought sufficient, and Article 1 has been framed for this purpose.

ARTICLE 1

The rules of aerial warfare apply to all aircraft, whether lighter or heavier than air, irrespective of whether they are, or are not, capable of floating on the water.

ARTICLE 2

The following shall be deemed to be public aircraft:

(a) military aircraft;

(b) non-military aircraft exclusively employed in the public service.

All other aircraft shall be deemed to be private aircraft.

ARTICLE 3

A military aircraft shall bear an external mark indicating its nationality and military character.

ARTICLE 4

A public non-military aircraft employed for customs or police purposes shall carry papers evidencing the fact that it is exclusively employed in the public service. Such an aircraft shall bear an external mark indicating its nationality and its public non-military character.

ARTICLE 5

Public non-military aircraft other than those employed for customs or police purposes shall in time of war bear the same external marks, and for the purposes of these rules shall be treated on the same footing, as private aircraft.

ARTICLE 6

Aircraft not comprised in Articles 3 and 4 and deemed to be private aircraft shall carry such papers and bear such external marks as are required by the rules in force in their own country. These marks must indicate their nationality and character.

ARTICLE 7

The external marks required by the above articles shall be so affixed that they cannot be altered in flight. They shall be as large as is practicable and shall be visible from above, from below and from each side.

ARTICLE 8

The external marks, prescribed by the rules in force in each state, shall be notified promptly to all other Powers.

Modifications adopted in time of peace of the rules prescribing external marks shall be notified to all other Powers before they are brought into force.

Modifications of such rules adopted at the outbreak of war or during hostilities shall be notified by each Power as soon as possible to all other Powers and at latest when they are communicated to its own fighting forces.

Article 9

A belligerent non-military aircraft, whether public or private, may be converted into a military aircraft, provided that the conversion is effected within the jurisdiction of the belligerent state to which the aircraft belongs and not on the high seas.

Article 10

No aircraft may possess more than one nationality.

Chapter II

General Principles

Article 11 embodies the general principle that outside the jurisdiction of any state, *i.e.* in the air space over the high seas, all aircraft have full freedom of passage. Provisions embodied in other articles which restrict the liberty of individual aircraft are to be regarded as exceptions to this general principle.

Article 11

Outside the jurisdiction of any state, belligerent or neutral, all aircraft shall have full freedom of passage through the air and of alighting.

Article 12

In time of war any state, whether belligerent or neutral, may forbid or regulate the entrance, movement or sojourn of aircraft within its jurisdiction.

Chapter III

Belligerents

The use of privateers in naval warfare was abolished by the Declaration of Paris, 1856. Belligerent rights at sea can now only be exercised by units under the direct authority, immediate control and responsibility of the state. This same principle should apply to aerial warfare. Belligerent rights should therefore only be exercised by military aircraft.

Article 13

Military aircraft are alone entitled to exercise belligerent rights.

Article 14

A military aircraft shall be under the command of a person duly commissioned or enlisted in the military service of the state; the crew must be exclusively military.

ARTICLE 15

Members of the crew of a military aircraft shall wear a fixed distinctive emblem of such character as to be recognizable at a distance in case they become separated from their aircraft.

ARTICLE 16

No aircraft other than a belligerent military aircraft shall engage in hostilities in any form.

The term "hostilities" includes the transmission during flight of military intelligence for the immediate use of a belligerent.

No private aircraft, when outside the jurisdiction of its own country, shall be armed in time of war.

ARTICLE 17

The principles laid down in the Geneva Convention, 1906, and the convention for the Adaptation of the said Convention to Maritime War (No. X of 1907) shall apply to aerial warfare and to flying ambulances, as well as to the control over flying ambulances exercised by a belligerent commanding officer.

In order to enjoy the protection and privileges allowed to mobile medical units by the Geneva Convention, 1906, flying ambulances must bear the distinctive emblem of the Red Cross in addition to the usual distinguishing marks.

CHAPTER IV

Hostilities

Article 18 is intended to clear up a doubt which arose during the recent war. The use of tracer bullets against aircraft was a general practice in all the contending armies. In the absence of a hard surface on which the bullet will strike, an airman cannot tell whether or not his aim is correct. These bullets were used for the purpose of enabling the airman to correct his aim, as the trail of vapor which they leave behind indicates to him the exact line of fire. In one case, however, combatant airmen were arrested and put on trial on the ground that the use of these bullets constituted a breach of the existing rules of war laid down by treaty.

The use of incendiary bullets is also necessary as a means of attack against lighter-than-air craft, as it is by setting fire to the gas contained by these aircraft that they can most easily be destroyed.

In the form in which the proposal was first brought forward its provisions were limited to a stipulation that the use of tracer bullets against aircraft generally was not prohibited.

Various criticisms were, however, made about the proposed text, chiefly founded on the impracticability for an airman while in flight to change the ammunition which he is using in the machine gun in his aircraft. He cannot employ different bullets in accordance with the target at which he is aiming, one sort of ammunition for other aircraft and another sort for land forces by whom he may be attacked.

The Commission, therefore, came to the conclusion that the most satisfactory solution of the problem would be to state specifically that the use of tracer, incendiary or explosive projectiles by or against aircraft is not prohibited.

ARTICLE 18

The use of tracer, incendiary or explosive projectiles by or against aircraft is not prohibited.

This provision applies equally to states which are parties to the Declaration of St. Petersburg, 1868, and to those which are not.

ARTICLE 19

The use of false external marks is forbidden.

ARTICLE 20

When an aircraft has been disabled, the occupants when endeavoring to escape by means of a parachute must not be attacked in the course of their descent.

ARTICLE 21

The use of aircraft for the purpose of disseminating propaganda shall not be treated as an illegitimate means of warfare.

Members of the crews of such aircraft must not be deprived of their rights as prisoners of war on the charge that they have committed such an act.

Bombardment

The subject of bombardment by aircraft is one of the most difficult to deal with in framing any code of rules for aerial warfare.

The experiences of the recent war have left in the mind of the world at large a lively horror of the havoc which can be wrought by the indiscriminate launching of bombs and projectiles on the non-combatant populations of towns and cities. The conscience of mankind revolts against this form of making war in places outside the actual theatre of military operations, and the feeling is universal that limitations must be imposed.

On the other hand, it is equally clear that the aircraft is a potent engine of war, and no state which realizes the possibility that it may itself be attacked, and the use to which its adversary may put his air forces can take the risk of fettering its own liberty of action to an extent which would restrict it from attacking its enemy where that adversary may legitimately be attacked with effect. It is useless, therefore, to enact prohibitions unless there is an equally clear understanding of what constitutes legitimate objects of attack, and it is precisely in this respect that agreement was difficult to reach.

Before passing to a consideration of the articles which have been agreed, mention must be made of the Declaration Prohibiting the Discharge of Projectiles and Explosives from Balloons, signed at The Hague in 1907. Three of the states represented on the Commission[2] are parties to that declaration; the other three are not. Under the terms of this declaration the contracting powers agree to prohibit the discharge of projectiles and explosives from balloons or by other new methods of a similar nature. Its terms are, therefore, wide enough to cover bombardment by aircraft. On the other hand, the scope of the declaration is very limited; in duration it is to last only until the close of the third peace conference, a conference which was to have been summoned for 1914 or 1915, and its application is confined to a war between contracting states without the participation of a non-contracting state.

The existence of this declaration can afford no solution of the problems arising out of the question of bombardment from the air, even for the states which are parties to it.

[2] United States of America, Great Britain and The Netherlands.

The number of parties is so small that, even if the declaration were renewed, no confidence could ever be felt that when a war broke out it would apply. A general agreement, therefore, on the subject of bombardment from the air is much to be desired. For the states which are parties to it, however, the declaration exists and it is well that the legal situation should be clearly understood.

As between the parties it will continue in force and will operate in the event of a war between them, unless by mutual agreement its terms are modified, or an understanding reached that it shall be regarded as replaced by some new conventional stipulation; but it will in any case cease to operate at the moment when a third peace conference concludes its labors, or if any state which is not a party to the declaration intervenes in the war as a belligerent.

No difficulty was found in reaching an agreement that there are certain purposes for which aerial bombardment is inadmissible.

Article 22 has been formulated with this object.

ARTICLE 22

Aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatants is prohibited.

ARTICLE 23

Aerial bombardment for the purpose of enforcing compliance with requisitions in kind or payment of contributions in money is prohibited.

ARTICLE 24

(1) Aerial bombardment is legitimate only when directed at a military objective, that is to say, an object of which the destruction or injury would constitute a distinct military advantage to the belligerent.

(2) Such bombardment is legitimate only when directed exclusively at the following objectives: military forces; military works; military establishments or depots; factories constituting important and well-known centres engaged in the manufacture of arms, ammunition or distinctively military supplies; lines of communication or transportation used for military purposes.

(3) The bombardment of cities, towns, villages, dwellings or buildings not in the immediate neighborhood of the operations of land forces is prohibited. In cases where the objectives specified in paragraph 2 are so situated, that they cannot be bombarded without the indiscriminate bombardment of the civilian population, the aircraft must abstain from bombardment.

(4) In the immediate neighborhood of the operations of land forces, the bombardment of cities, towns, villages, dwellings or buildings is legitimate provided that there exists a reasonable presumption that the military concentration is sufficiently important to justify such bombardment, having regard to the danger thus caused to the civilian population.

(5) A belligerent state is liable to pay compensation for injuries to person or to property caused by the violation by any of its officers or forces of the provisions of this article.

ARTICLE 25

In bombardment by aircraft, all necessary steps must be taken by the commander to spare as far as possible buildings dedicated to public worship, art, science, or charitable purposes, historic monuments, hospital ships, hospitals and other places where the sick and wounded are collected, provided such buildings, objects or places are not at the time used for military purposes. Such buildings, objects and places must by day be indicated by marks visible to aircraft. The use of marks to indicate other buildings, objects, or places than those specified above is to be deemed an act of perfidy. The marks used as aforesaid shall be in the case of buildings protected under the Geneva Convention the red cross on a white ground, and in the case of other protected buildings a large rectangular panel divided diagonally into two pointed triangular portions, one black and the other white.

A belligerent who desires to secure by night the protection for the hospitals and other privileged buildings above mentioned must take the necessary measures to render the special signs referred to sufficiently visible.

ARTICLE 26

The following special rules are adopted for the purpose of enabling states to obtain more efficient protection for important historic monuments situated within their territory, provided that they are willing to refrain from the use of such monuments and a surrounding zone for military purposes, and to accept a special régime for their inspection.

(1) A state shall be entitled, if it sees fit, to establish a zone of protection round such monuments situated in its territory. Such zones shall in time of war enjoy immunity from bombardment.

(2) The monuments round which a zone is to be established shall be notified to other Powers in peace time through the diplomatic channel; the notification shall also indicate the limits of the zones. The notification may not be withdrawn in time of war.

(3) The zone of protection may include, in addition to the area actually occupied by the monument or group of monuments, an outer zone, not exceedingly 500 metres in width, measured from the circumference of the said area.

(4) Marks clearly visible from aircraft either by day or by night will be employed for the purpose of ensuring the identification by belligerent airmen of the limits of the zones.

(5) The marks on the monuments themselves will be those defined in Article 25. The marks employed for indicating the surrounding zones will be fixed by each state adopting the provisions of this article, and will be notified to other Powers at the same time as the monuments and zones are notified.

(6) Any abusive use of the marks indicating the zones referred to in paragraph 5 will be regarded as an act of perfidy.

(7) A state adopting the provisions of this article must abstain from using the monument and the surrounding zone for military purposes, or for the benefit in any way whatever of its military organization, or from committing within such monument or zone any act with a military purpose in view.

(8) An inspection committee consisting of three neutral representatives accredited to the state adopting the provisions of this article, or their delegates, shall be appointed for the purpose of ensuring that no violation is committed of the provisions of paragraph 7. One of the members of the committee of inspection shall be the representative (or his delegate) of the state to which has been entrusted the interests of the opposing belligerent.

Espionage

The articles dealing with espionage follow closely the precedent of the Land Warfare Regulations.

Article 27 is a verbal adaptation of the first paragraph of Article 29 of the Regulations, so phrased as to limit it to acts committed while in the air.

Consideration has been given to the question whether there was any need to add to the provision instances of actions which were not to be deemed acts of espionage, such as those which are given at the end of Article 29 in the Regulations, and it was suggested that Article 29[3] of the American draft might appropriately be introduced in this manner. It was decided that this was unnecessary. The article submitted by American Delegation was intended to ensure that reconnaissance work openly done behind the enemy lines by aircraft should not be treated as spying. It is not thought likely that any belligerent would attempt to treat it as such.

ARTICLE 27

Any person on board a belligerent or neutral aircraft is to be deemed a spy only if acting clandestinely or on false pretences he obtains or seeks to obtain, while in the air, information within belligerent jurisdiction or in the zone of operations of a belligerent with the intention of communicating it to the hostile party.

ARTICLE 28

Acts of espionage committed after leaving the aircraft by members of the crew of an aircraft or by passengers transported by it are subject to the provisions of the Land Warfare Regulations.

ARTICLE 29

Punishment of the acts of espionage referred to in Articles 27 and 28 is subject to Articles 30 and 31 of the Land Warfare Regulations.

[3] Acts of the personnel of correctly marked enemy aircraft, public or private, done or performed while in the air, are not to be deemed espionage.

CHAPTER V

Military Authority over Enemy and Neutral Aircraft and Persons on Board

The rapidity of its flight would enable an aircraft to embarrass the operations of land or sea forces, or even operations in the air, to an extent which might prove most inconvenient or even disastrous to a belligerent commander. To protect belligerents from improper intrusions of this kind, it is necessary to authorize belligerent commanders to warn off the intruders, and, if the warning is disregarded, to compel their retirement by opening fire.

It is easy to see that undue hardship might be occasioned to neutrals if advantage were taken of the faculty so conferred on belligerent commanding officers and attempts were made to exclude for long or indefinite periods all neutrals from stipulated areas or to prevent communication between different countries through the air over the high seas. The present provision only authorizes a commanding officer to warn off aircraft during the duration of the operations in which he is engaged at the time. The right of neutral aircraft to circulate in the airspace over the high seas is emphasized by the provisions of Article 11 which provides that "outside the jurisdiction of any state, belligerent or neutral, all aircraft shall have full freedom of passage through the air and of alighting".

Article 30 is confined in terms to neutral aircraft, because enemy aircraft are in any event exposed to the risk of capture, and in the vicinity of military operations are subjected to more drastic treatment than that provided by this article.

It will be noticed that the terms of the article are general in character and would comprise even neutral public or military aircraft. It goes without saying that the article is not intended to imply any encroachment on the rights of neutral states. It is assumed that no neutral public or military aircraft would depart so widely from the practice of states as to attempt to interfere with or intrude upon the operations of a belligerent state.

ARTICLE 30

In case a belligerent commanding officer considers that the presence of aircraft is likely to prejudice the success of the operations in which he is engaged at the moment, he may prohibit the passing of neutral aircraft in the immediate vicinity of his forces or may oblige them to follow a particular route. A neutral aircraft which does not conform to such directions, of which it has had notice issued by the belligerent commanding officer, may be fired upon.

ARTICLE 31

In accordance with the principles of Article 53 of the Land Warfare Regulations, neutral private aircraft found upon entry in the enemy's jurisdiction by a belligerent occupying force may be requisitioned, subject to the payment of full compensation.

ARTICLE 32

Enemy public aircraft, other than those treated on the same footing as private aircraft, shall be subject to confiscation without prize proceedings.

ARTICLE 33

Belligerent non-military aircraft, whether public or private, flying within the jurisdiction of their own state, are liable to be fired upon unless they

make the nearest available landing on the approach of enemy military aircraft.

ARTICLE 34

Belligerent non-military aircraft, whether public or private, are liable to be fired upon, if they fly (1) within the jurisdiction of the enemy, or (2) in the immediate vicinity thereof and outside the jurisdiction of their own state or (3) in the immediate vicinity of the military operations of the enemy by land or sea.

ARTICLE 35

Neutral aircraft flying within the jurisdiction of a belligerent, and warned of the approach of military aircraft of the opposing belligerent, must make the nearest available landing. Failure to do so exposes them to the risk of being fired upon.

ARTICLE 36

When an enemy military aircraft falls into the hands of a belligerent, the members of the crew and the passengers, if any, may be made prisoners of war.

The same rule applies to the members of the crew and the passengers, if any, of an enemy public non-military aircraft, except that in the case of public non-military aircraft devoted exclusively to the transport of passengers, the passengers will be entitled to be released unless they are in the service of the enemy, or are enemy nationals fit for military service.

If an enemy private aircraft falls into the hands of a belligerent, members of the crew who are enemy nationals or who are neutral nationals in the service of the enemy, may be made prisoners of war. Neutral members of the crew, who are not in the service of the enemy, are entitled to be released if they sign a written undertaking not to serve in any enemy aircraft while hostilities last. Passengers are entitled to be released unless they are in the service of the enemy or are enemy nationals fit for military service, in which cases they may be made prisoners of war.

Release may in any case be delayed if the military interests of the belligerent so require.

The belligerent may hold as prisoners of war any member of the crew or any passenger whose service in a flight at the close of which he has been captured has been of special and active assistance to the enemy.

The names of individuals released after giving a written undertaking in accordance with the third paragraph of this article will be notified to the opposing belligerent, who must not knowingly employ them in violation of their undertaking.

ARTICLE 37

Members of the crew of a neutral aircraft which has been detained by a belligerent shall be released unconditionally, if they are neutral nationals

and not in the service of the enemy. If they are enemy nationals or in the service of the enemy, they may be made prisoners of war.

Passengers are entitled to be released unless they are in the service of the enemy or are enemy nationals fit for military service, in which cases they may be made prisoners of war.

Release may in any case be delayed if the military interests of the belligerent so require.

The belligerent may hold as prisoners of war any member of the crew or any passenger whose service in a flight at the close of which he has been captured has been of special and active assistance to the enemy.

Article 38

Where under the provisions of Articles 36 and 37 it is provided that members of the crew or passengers may be made prisoners of war, it is to be understood that, if they are not members of the armed forces, they shall be entitled to treatment not less favorable than that accorded to prisoners of war.

Chapter VI

Belligerent Duties towards Neutral States and Neutral Duties towards Belligerent States

To avoid any suggestion that it is on the neutral government alone that the obligation is incumbent to secure respect for its neutrality, Article 39 provides that belligerent aircraft are under obligation to respect the rights of neutral Powers and to abstain from acts within neutral jurisdiction which it is the neutral's duty to prevent.

It will be noticed that the article is not limited to military aircraft; in fact the second phrase will apply only to belligerent aircraft of other categories, as it is they alone which may remain at liberty within neutral jurisdiction. All aircraft, however, including military, are bound to respect the rights of neutral Powers.

Article 39

Belligerent aircraft are bound to respect the rights of neutral Powers and to abstain within the jurisdiction of a neutral state from the commission of any act which it is the duty of that state to prevent.

Article 40

Belligerent military aircraft are forbidden to enter the jurisdiction of a neutral state.

Article 41

Aircraft on board vessels of war, including aircraft-carriers, shall be regarded as part of such vessel.

Article 42

A neutral government must use the means at its disposal to prevent the entry within its jurisdiction of belligerent military aircraft and to compel them to alight if they have entered such jurisdiction.

A neutral government shall use the means at its disposal to intern any belligerent military aircraft which is within its jurisdiction after having alighted for any reason whatsoever, together with its crew and the passengers, if any.

ARTICLE 43

The personnel of a disabled belligerent military aircraft rescued outside neutral waters and brought into the jurisdiction of a neutral state by a neutral military aircraft and there landed shall be interned.

ARTICLE 44

The supply in any manner, directly or indirectly, by a neutral government to a belligerent Power of aircraft, parts of aircraft, or material, supplies or munitions required for aircraft is forbidden.

ARTICLE 45

Subject to the provisions of Article 46, a neutral Power is not bound to prevent the export or transit on behalf of a belligerent of aircraft, parts of aircraft, or material, supplies or munitions for aircraft.

ARTICLE 46

A neutral government is bound to use the means at its disposal:

(1) To prevent the departure from its jurisdiction of an aircraft in a condition to make a hostile attack against a belligerent Power, or carrying or accompanied by appliances or materials the mounting or utilization of which would enable it to make a hostile attack, if there is reason to believe that such aircraft is destined for use against a belligerent Power;

(2) To prevent the departure of an aircraft the crew of which includes any member of the combatant forces of a belligerent Power;

(3) To prevent work upon an aircraft designed to prepare it to depart in contravention of the purposes of this article.

On the departure by air of any aircraft despatched by persons or companies in neutral jurisdiction to the order of a belligerent Power, the neutral government must prescribe for such aircraft a route avoiding the neighborhood of the military operations of the opposing belligerent, and must exact whatever guarantees may be required to ensure that the aircraft follows the route prescribed.

ARTICLE 47

A neutral state is bound to take such steps as the means at its disposal permit to prevent within its jurisdiction aerial observation of the movements, operations or defenses of one belligerent, with the intention of informing the other belligerent.

This provision applies equally to a belligerent military aircraft on board a vessel of war.

ARTICLE 48

The action of a neutral Power in using force or other means at its disposal in the exercise of its rights or duties under these rules cannot be regarded as a hostile act.

CHAPTER VII

Visit and Search, Capture and Condemnation

Both the American and British drafts when first submitted to the Commission provided for the use of aircraft in exercising against enemy commerce the belligerent rights which international law has sanctioned. This principle has not met with unanimous acceptance; the Netherlands Delegation has not felt able to accept it. The standpoint adopted by this delegation is that the custom and practice of international law is limited to a right on the part of belligerent warships to capture after certain formalities merchant vessels employed in the carriage of such commerce. No justification exists for the extension of those rights to an aircraft, which is a new engine of war entirely different in character from a warship and unable to exercise over merchant vessels or private aircraft a control similar to that exercised by a warship over merchant vessels. Consequently there is no reason to confer on a military aircraft the right to make captures as if it were a warship, and no reason to subject commerce to capture when carried in an aircraft. In developing international law the tendency should be in the direction of conferring greater, not less, immunity on private property.

For these reasons the Netherlands Delegation has not accepted the rules contained in Chapter VII and its participation in the discussion of individual rules has been subject to the general reserves made with regard to the whole chapter.

The majority of the delegations have not felt able to reject the principle that the aircraft should be allowed to exercise the belligerent right of visit and search, followed by capture where necessary, for the repression of enemy commerce carried in an aircraft in cases where such action is permissible. This principle is embodied in Article 49 of which the text is as follows:

ARTICLE 49

Private aircraft are liable to visit and search and to capture by belligerent military aircraft.

ARTICLE 50

Belligerent military aircraft have the right to order public non-military and private aircraft to alight in or proceed for visit and search to a suitable locality reasonably accessible.

Refusal, after warning, to obey such orders to alight or to proceed to such a locality for examination exposes an aircraft to the risk of being fired upon.

ARTICLE 51

Neutral public non-military aircraft, other than those which are to be treated as private aircraft, are subject only to visit for the purpose of the verification of their papers.

ARTICLE 52

Enemy private aircraft are liable to capture in all circumstances.

ARTICLE 53

A neutral private aircraft is liable to capture if it:

(a) resists the legitimate exercise of belligerent rights;

(b) violates a prohibition of which it has had notice issued by a belligerent commanding officer under Article 30;

(c) is engaged in unneutral service;

(d) is armed in time of war when outside the jurisdiction of its own country;

(e) has no external marks or uses false marks;

(f) has no papers or insufficient or irregular papers;

(g) is manifestly out of the line between the point of departure and the point of destination indicated in its papers and after such enquiries as the belligerent may deem necessary, no good cause is shown for the deviation. The aircraft, together with its crew and passengers, if any, may be detained by the belligerent, pending such enquiries.

(h) carries, or itself constitutes, contraband of war;

(i) is engaged in breach of a blockade duly established and effectively maintained;

(k) has been transferred from belligerent to neutral nationality at a date and in circumstances indicating an intention of evading the consequences to which an enemy aircraft, as such, is exposed.

Provided that in each case, (except k), the ground for capture shall be an act carried out in the flight in which the neutral aircraft came into belligerent hands, *i.e.* since it left its point of departure and before it reached its point of destination.

ARTICLE 54

The papers of a private aircraft will be regarded as insufficient or irregular if they do not establish the nationality of the aircraft and indicate the names and nationalities of the crew and passengers, the points of departure and destination of the flight, together with particulars of the cargo and the conditions under which it is transported. The logs must also be included.

ARTICLE 55

Capture of an aircraft or of goods on board an aircraft shall be made the subject of prize proceedings, in order that any neutral claim may be duly heard and determined.

ARTICLE 56

A private aircraft captured upon the ground that it has no external marks or is using false marks, or that it is armed in time of war outside the jurisdiction of its own country is liable to condemnation.

A neutral private aircraft captured upon the ground that it has disregarded the direction of a belligerent commanding officer under Article 30

is liable to condemnation, unless it can justify its presence within the prohibited zone.

In all other cases, the prize court in adjudicating upon any case of capture of an aircraft or its cargo, or of postal correspondence on board an aircraft, shall apply the same rules as would be applied to a merchant vessel or its cargo or to postal correspondence on board a merchant vessel.

ARTICLE 57

Private aircraft which are found upon visit and search to be enemy aircraft may be destroyed if the belligerent commanding officer finds it necessary to do so, provided that all persons on board have first been placed in safety and all the papers of the aircraft have been preserved.

ARTICLE 58

Private aircraft which are found upon visit and search to be neutral aircraft liable to condemnation upon the ground of unneutral service, or upon the ground that they have no external marks or are bearing false marks, may be destroyed, if sending them in for adjudication would be impossible or would imperil the safety of the belligerent aircraft or the success of the operations in which it is engaged. Apart from the cases mentioned above, a neutral private aircraft must not be destroyed except in the gravest military emergency, which would not justify the officer in command in releasing it or sending it in for adjudication.

ARTICLE 59

Before a neutral private aircraft is destroyed, all persons on board must be placed in safety, and all the papers of the aircraft must be preserved.

A captor who had destroyed a neutral private aircraft must bring the capture before the prize court, and must first establish that he was justified in destroying it under Article 58. If he fails to do this, parties interested in the aircraft or its cargo are entitled to compensation. If the capture is held to be invalid, though the act of destruction is held to have been justifiable, compensation must be paid to the parties interested in place of the restitution to which they would have been entitled.

ARTICLE 60

Where a neutral private aircraft is captured on the ground that it is carrying contraband, the captor may demand the surrender of any absolute contraband on board, or may proceed to the destruction of such absolute contraband, if sending in the aircraft for adjudication is impossible or would imperil the safety of the belligerent aircraft or the success of the operations in which it is engaged. After entering in the log book of the aircraft the delivery or destruction of the goods, and securing, in original or copy, the

relevant papers of the aircraft, the captor must allow the neutral aircraft to continue its flight.

The provisions of the second paragraph of Article 59 will apply where absolute contraband on board a neutral private aircraft is handed over or destroyed.

CHAPTER VIII

Definitions

In some countries, the word "military" is not generally employed in a sense which includes "naval". To remove any ambiguity on this point a special article has been adopted.

ARTICLE 61

The term "military" throughout these rules is to be read as referring to all branches of the forces, *i.e.* the land forces, the naval forces and the air forces.

ARTICLE 62

Except so far as special rules are here laid down and except also so far as the provisions of Chapter VII of these rules or international conventions indicate that maritime law and procedure are applicable, aircraft personnel engaged in hostilities come under the laws of war and neutrality applicable to land troops in virtue of the custom and practice of international law and of the various declarations and conventions to which the states concerned are parties.

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